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POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: Police Authority and Discretion

SCOPE: ALL DEPARTMENT PERSONNEL

DISTRIBUTION: POLICY & PROCEDURE MANUAL

Purpose
The purpose of this policy is to define the legally mandated authority vested in sworn agency personnel and to provide guidelines and circumstances when sworn personnel should exercise alternatives to arrest and/or alternatives to pre-arraignment confinement.

Policy
All personnel, prior to assuming the position of police officer with the Holmen Police Department, are required to take an oath of office to enforce the law and to uphold the Constitution of the State of Wisconsin and the Constitution of the United States.

Discussion
Police officers of the Holmen Police Department, whether on duty or off duty, are expected to conduct themselves in accordance with statutory limitations, the Mission and Values Statement, the guidelines in this policy manual, supervisors' directions and in such a manner as would reflect favorably upon themselves, the Holmen Police Department and the profession of policing.

Definitions

Procedures

A. Authority and Responsibility While on Duty
1. Within village limits: While on duty within the village limits, Holmen police officers have the full authority granted Peace Officers by Wisconsin Statute 62.09(13), and broadened by Section 968.07, Wisconsin Statutes, and Holmen Ordinances
2. With consideration of the situation at hand, officers are expected to take all steps necessary and consistent with their assignment to protect life and property and to enforce the ordinances of the Village of Holmen, Wisconsin Statutes and the law of the United States.
3. Outside village limits (within state): While on duty, outside Holmen Village limits, officers have full authority for police matters pursuant to any mutual aid agreements (Section 66.313, Wisconsin Statutes) and for matters of direct concern to the Village of Holmen.

Section 175.40(6)(a) (WI Statutes) states that: A Peace Officer outside of his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the criteria under subds. A to C are met:

a. The officer is in uniform, on duty and on official business. If the officer is using a vehicle, that vehicle is a marked police vehicle.
b. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.

c. The officer is acting in response to any of the following:
   1. An emergency situation that poses a significant threat to life or of bodily harm.
   2. Acts that the officer believes, on reasonable grounds, constitute a felony.

d. The officer will notify the agency of jurisdiction and under normal circumstances, situations that require law enforcement action will be turned over to the responsible law enforcement agency.

4. Out-of-state authority and responsibility: Peace officer powers of Holmen police offices do not extend beyond this state except as provided for in the Uniform Act on Fresh Pursuit. Officers who are outside the boundaries of this state on extradition, or other matters of direct concern to the Village of Holmen, are not to engage in police activities unless necessary in the performance of their duties as an agent of the Village, and then only after consideration of the tactical situation.

B. Authority and Responsibility While Off-duty

1. Under Wisconsin law, off-duty officers have the same peace officer authority granted on-duty officers.

2. Officers who are not acting on matters of direct concern to the Village of Holmen are to defer to on-duty officers. Off-duty officers should then act only after consideration of the tactical situation.

C. Discretion

1. General Guidelines
   a. Officers are expected to act in compliance with law, public safety, the expressed department goals and objectives, Mission and Value Statement, and in compliance with the Holmen Police Department Rules and Regulations and the Law Enforcement Code of Ethics. (Appendix A)
   b. When confronted with situations involving non-serious conduct, (i.e. traffic and ordinance violations, etc.) officers do have the discretion to examine possible alternatives to arrest and confinement (e.g. warnings, referral, informal resolution, etc.).

2. Specific Responsibilities
   a. Officer enforcement action/discretion may be further regulated by specific policies or supervisory direction.
   b. The severity of enforcement action, officer inaction or the decision to initiate contact enforcement must not be influenced by race, gender, cultural background, appearance, mental or physical impairment, sexual orientation, socioeconomic standing, educational background, ethnic background, religious belief or political affiliation.
   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 a person.

Chief of Police
Shane Collins
LAW ENFORCEMENT
CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to service mankind; to safeguard lives and property; to protect the innocent against deception, the weak against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

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 secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: ALL DEPARTMENT PERSONNEL

DISTRIBUTION: POLICY & PROCEDURE MANUAL

POLICY

It is the policy of the Holmen Police Department that all sworn law enforcement officers shall use only the amount of force reasonably necessary to accomplish a lawful law enforcement objective, such as but not limited to:

1. Where applicable, the enforcement of the U.S. Constitution, Wisconsin law, all county and municipal ordinances, while in accordance with our department policies, and officer’s training.

2. To achieve and maintain control of resistive subjects.

3. To make lawful arrests.

4. To detain persons reasonably suspected of criminal behavior.

5. To defend themselves or others.

6. To prevent escape.

The use of force must be objectively reasonable pursuant to *Graham vs. Connor*. The purpose of using force will be to gain control in pursuit of a legitimate law enforcement objective. Once an officer has gained control of a subject, he/she must reduce to the level of force needed to maintain control.

Physical force shall never be used as a form of discipline (punishment), or in response to mere verbal provocation by a subject, or as a form of retaliation against a subject.

Application of force shall be based on the intervention options specified in Wisconsin’s Disturbance Resolution Model. Lesser force options such as presence and dialogue (which are non-physical options) shall be used to the greatest extent possible. Physical force options shall only be used if non-physical force options have proven ineffective, or would clearly be ineffective in a given situation.
There shall be appropriate follow through to all situations involving the application of physical force. Follow through shall include the stabilization of the suspect(s), monitoring the suspect(s) for injuries, provision of appropriate medical care, search of suspect(s) for weapons, or contraband and, as necessary, escort to a different location such as hospital, or jail.

Pursuant to Act 75 as defined in Wisconsin State Statute 175.44: Duty to Report noncompliant Use of Force. A law enforcement officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force that does not comply with the standards under sub. (2)(b) or (c) in the course of that law enforcement officer’s official duties shall report the noncompliant use of force as soon as it is practicable after the occurrence of the use of such force.

DEFINITIONS

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

☐ *Justification for deadly force*: Behavior which justifies your use of deadly force is that which has caused, or imminently threatens to cause, death or great bodily harm to you, another person or persons.

☐ *Non-deadly force*: Any application of force that would not be 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, subject, and/ or other person.

☐ *Passive Resistance*: Non-compliant, non-threatening behavior.

☐ *Bodily Harm*: Defined by s. 939.22(4) Wis. Stats. It means physical pain or injury, illness, or any impairment of physical condition.

☐ *Great Bodily Harm*: Defined by s. 939.22(14) Wis. Stats. It means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

☐ *Choke Hold* – A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation. The use of choke holds is prohibited, except in those situations where the use of deadly force is justified.

☐ *Vascular Neck Restraints* – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain. The use of Vascular
Neck Restraints is prohibited except in those situations where the use of deadly force is justified.

☐ Officer Training: Policy 7.1 Recruit Training and 7.3 Annual Training & Career Development.

PROCEDURES

1. Justification for application of force.

   a. In determining whether an officer can use force, the officer must determine if legal justification exists. Otherwise, any force the officer uses may be excessive. The officer must also determine if it is desirable to control the situation at that moment. If not, the officer should consider disengaging and waiting for additional assistance before approaching. If the officer is in a situation and unable to disengage the officer may escalate to a reasonable higher level of force.

   b. Officers will not use physical force against subjects for any of the following reasons.

      (1) To discipline, or punish.

      (2) In response to verbal or gestured provocation alone – that is in response to something that a subject has said. This includes derogatory, racist, sexist, or other unwelcome remarks, or hand gestures.

      (3) As retaliation against a person for something which the person has said or done.

   c. If the officer is in doubt about the justification for the application of force in a particular situation, the officer, if he/she has the time, will check with a supervisor. In case of critical incident, a supervisor shall be contacted.


   a. Once an officer has determined that there is legal justification for the use of force, the officer must then determine the appropriate level of force to apply. In making this determination, the officer will take into account the following threat assessment factors:

      (1) The amount of force or resistive tension the suspect threatens, or actually uses, including whether or not suspect has a weapon.
(2) Reasonable perception of the danger (early warning signs and pre-attack postures) also taking into account the relative abilities of both the officer and the suspect to inflict harm, or defend one’s self. Some factors to consider when determining reasonable perception to danger include:

(a) Officer / Subject factors. (age, size, strength, skill level)

(b) Presence of injuries and disabilities to the officer, or suspect.

(c) Special circumstances (reasonable perception of a threat, special knowledge of the subject, sudden assaults, subjects ability to escalate force rapidly, officers physical positioning, injury or exhaustion, equipment or training, and availability of backup.)

(d) Level/stage and degree of stabilization (Stabilization refers to the subject’s ability to use force based on the level, stage, and degree of stabilization.)

b. Based on these factors, the officer will apply a reasonable amount of force to effect control in a given situation based on the force levels in Section 3.b. (1)(a) through (e) to accomplish the objective. However, officers may escalate rapidly through the Intervention Options based on initial and evolving assessment of threat from the suspect(s). Officers may use a higher level of force to begin with, if it is clearly apparent that a lesser force level would be ineffective to accomplish the objective of controlling the suspect.

c. Once the application of force has resulted in accomplishment of the law enforcement objective, the officer will cease that level of force, and only use that level of force that is reasonable to maintain control. If the suspect has ceased resisting, the officer’s level of force must cease as well. If the suspect then resumes resistance, reasonable force may be reapplied as necessary to regain control of the suspect.

d. Additionally, it is more effective to use team tactics (multiple officers, or other available law enforcement personnel) when available and the officer reasonably believes through his/her threat assessment, or prior knowledge that the suspect will become combative. Using team tactics minimizes the likelihood of injury to both officer(s) and suspect(s).

3. Application of force: Specific techniques.

a. Officers encountering a situation requiring the use of force will try to get the suspect(s) to comply through use of presence and dialogue. These options should be tried before the application of any physical force occurs when reasonable to do so.
(1) Presence refers to the officer(s) simply being present on the scene. This fact alone may cause a suspect(s) to comply.

(2) In some cases, presence may involve a “show of force” by several officers, or assisting law enforcement agencies to get the suspect(s) to comply voluntarily.

(3) Dialogue refers to talking with the suspect to get him or her to comply with your lawful order. This is also known as “Verbalization” or “Professional Communications”.

(4) The officer’s goal is to get subjects to comply voluntarily without the need to use physical force.

b. If presence and/or dialogue do not work to gain cooperation from a resistive or combative suspect, or if presence and dialogue would clearly be ineffective in a situation, the officer may escalate to a physical force option to gain, or regain control of a situation. The non-deadly force, physical force options in the defensive and arrest tactics include:

1. Control Alternatives: To overcome passive resistance, active resistance, or its threat.
   (a) Escort holds: (To safely initiate physical contact)
      1) Blanket the arm technique
      2) Escort position
   (b) Compliance holds: (To overcome passive resistance)
      1) Come along techniques (front and rear)
      2) Pressure points
   (c) Control Devices: (To overcome active resistance or its threat)
      1) Oleoresin Capsicum (O.C.) Aerosol Spray
      2) Electronic Control Devices (Taser)
      NOTE: Refer to OC Spray Policy 1.5. and Taser Policy 1.6.
   (d) Passive countermeasures (decentralization of subject – that is, directing subject to the ground/floor.)

2. Protective Alternatives: (To overcome continued resistance, assaultive behavior, or
(a) Active countermeasures: (To create a temporary dysfunction of an actively resistive or assaultive subject.)

1) Focused Strikes: (reaction hand strike, reaction forearm strike, strong hand strike, strong forearm strike, reaction front kick, reaction knee strike, strong angle knee strike, strong angle kick.)

2) Vertical Stuns

(b) Incapacitating Techniques: (To cause the immediate, temporary cessation of violent behavior.)

1) Diffused Strike (front and rear strike)

(c) Intermediate weapon(s): (To impede a subject)

1) Impact weapon, i.e. police baton (collapsible or straight stick baton.)
2) Impact munitions (less lethal munitions)

3. Deadly Force (To stop the threat.)

a. The officer will only apply deadly force:

i. As a last resort in defense of oneself when there is reasonable cause to believe that he/she is in imminent danger of death, or great bodily harm.

ii. As a last resort in the defense of another person whom the officer has reasonable cause to believe is in imminent danger of death, or great bodily harm.

iii. As the final alternative when other reasonable alternatives have proven ineffective, or would clearly be ineffective in a given situation to affect the arrest, or prevent the escape of a suspect whom the officer has probable cause to believe has committed or attempted to commit a serious felony. Where the use of deadly force, or the threatened use of deadly force was used and non-apprehension creates an unreasonable risk, or significant threat of death, or great bodily harm to the officer, another, or the community at large.
iv. As a last resort to dispatch a seriously injured animal.

v. Warning shots are prohibited.

b. Officers may use the following tactics in the application of deadly force:

i. Firearm. The use of a firearm is the most common method of deadly force. Only certified law enforcement officers will be armed with a firearm. NOTE: Refer to policy 1.9.

ii. Weapons of opportunity. (conventional or non-conventional)

iii. Trained or untrained technique and/or an instrument as weapon justified under the circumstances. The use of choke holds/Vascular Neck Restraints is not a trained technique and is prohibited, except in those situations where the use of deadly force is justified.


c. Deadly force is justified only when there is no other reasonable alternative to prevent death, or great bodily harm from being inflicted. Such justification exists only when the suspect meets the imminent threat criterion that displays the following:

i. Has displayed, or indicated intent to cause death, or great bodily harm to you or another person(s).

ii. Has a weapon capable of inflicting death, or great bodily harm. (Conventional or non-conventional weapon.)

NOTE: In a confrontation, a subject may behave in such a manner that an officer can reasonably believe the suspect is armed with a concealed dangerous weapon. Based on the officer’s threat assessment, coupled with proper verbal commands, if the suspect makes a motion that indicates the suspect is armed and threatens the officer, the officer can reasonably believe suspect is armed.
iii. Has the means or \textit{delivery system} for the utilization of that weapon, or has the capacity for the utilization of that weapon.

d. After meeting the criterion of imminent threat, the officer now must preclude any reasonable alternatives. Once this is done, the officer must now meet target requirements:

i. First, the officer must have \textit{target acquisition}. That is to know where your target is.

ii. Second, the officer must have \textit{target identification}. That is, did you identify the specific subject(s) that is placing you and/or others in imminent danger?

iii. Third, the officer must have \textit{target isolation}. That is, the officer must make every effort to isolate the target from innocent persons and be aware what is behind the target.

iv. \textbf{NOTE}: There is an exception to the target isolation rule. This would apply if a failure to shoot would put innocent persons, you and/or other officers in greater danger of death or great bodily harm.

e. When the suspect meets the criterion of “imminent threat” and no other means of apprehension/arrest is possible, verbal warning should be given, unless unfeasible to do so in the particular circumstances, before deadly force is used.

(b) Follow through to the use of force: Following any situation involving the use of force, the officer(s) involved will initiate appropriate follow through procedures to ensure safety and welfare of the suspect(s). Follow through procedures to be initiated include:

a. Stabilization of suspect(s) and scene.

i. Be sure that resistance has stopped and everyone is safe from further physical assaults.

ii. Be sure that the scene is calm and that any items of possible evidence are not disturbed.
iii. Apply restraints to lawfully arrested suspects. Restraints generally include handcuffs, or flex cuffs, but can also include leg restraints, if necessary.

1. All suspects taken into custody and transported shall be handcuffed behind the back unless extenuating circumstances due to medical or health problems exist.

2. Handcuffs shall be placed on tightly enough to ensure suspect arrested cannot slip his/her hands out, but not so tightly that injury could occur. Should the suspect complain that handcuffs are too tight; officers should inspect the handcuffs and make the appropriate adjustments, if necessary to prevent injury to suspect.

3. When handcuffs and/or leg restraints are used, they shall be safety-locked.

4. Suspects shall not be hog tied and placed facing down in squad.

b. Monitoring the suspect(s) for injuries and provide for medical assistance.

i. Perform an initial assessment to determine if injuries are present and if so, what the extents of such injuries are. In performing the assessment:

1. Determine suspect's level of consciousness.

2. Check airway, breathing and pulse.

3. Perform a body check for bleeding, gross deformities (broken bones), etc.

ii. Provide first aid and/or cardiopulmonary resuscitation, as necessary.

iii. If necessary, call for medical assistance. This may include emergency medical assistance.

iv. Continue to stay with the suspect and monitor him/her as long as necessary.
c. Search of suspect(s).

   i. Once the suspect(s) has been stabilized and restrained, conduct a thorough search for weapons and/or contraband. Check all clothing carefully.

   ii. If strip search seems warranted, contact supervisor and follow guidelines for searches as specified in 1.11: Strip Searches.

d. Escort suspect(s).

   i. Once suspect has been searched, he/she will be escorted to a transportation vehicle, whether it is by squad or ambulance, depending on the circumstances. Suspect will then be transported directly to the appropriate location.

   ii. In transporting suspect(s), your main goals are to ensure the suspect’s safety, prevent escapes and to prevent injury.

e. Handcuffing & Transport suspect(s).

   i. All persons arrested will be handcuffed and searched before transport.
      1. Exceptions of handcuffing
         a. Medical reasons or physical disabilities when handcuffing is not practical or may cause injury
         b. If the officer is unable to handcuff the person behind their back for exceptional reasons, the subject should be restrained in another reasonable manner.

   ii. No person shall be “hog-tied”. Leg restraints are available in all patrol vehicles.

   iii. Lawfully arrested suspect(s) being transported shall be carefully placed in the back seat of a squad car, unless extenuating circumstances are present.

   iv. Suspect(s) should be seated in upright position and seat belted whenever practical.
v. Suspect shall not be placed face down on the back seat of the squad car.

vi. In the case of a combative suspect, an officer may use appropriate control techniques and it is recommended that a second officer ride with the suspect in the back seat if transporting in a squad with no cage and other means of transportation is not available.

vii. The transporting officer shall stay with and not lose sight of the arrested person

viii. The arrested person shall not communicate with others except officers while in transport.

ix. Officers transporting individuals of the opposite sex will give the Emergency Dispatch Center the following information:

1. Beginning and ending mileage

x. Police vehicles used in transport will be searched at the beginning of each shift, prior to and after transporting prisoners.

xi. All police vehicles used to transport arrested persons will have a safety barrier dividing the driver from the arrested person and the rear door handles and window buttons inoperable from the inside.

xii. Whenever practical if one officer is transporting an arrested person, the arrested person shall be seated in the rear passenger side seat. If there are two officers transporting, the arrested person shall be seated in the rear driver’s side seat.

xiii. Following the escape of a person being transported, the transporting officer will do the following:

1. Notify the Emergency Dispatch Center, the on duty or on call supervisor.

2. Notify the jurisdiction where the escape occurred.

3. Complete an incident report.

f. Releasing of prisoner.

i. When turning the suspect over to the jail staff and the suspect is cooperative, prior to removal of restraints
1.2 - 5.1.1 Use of Force

officer must check with jailer. Jailer will conduct a
search prior to the removal of restraints.

ii. When turning over a combative suspect, the officer
will assist the jail staff in escorting the suspect to a
designated cell and with the removal of any
restraints.

iii. The officer(s) must check with the jail staff, prior to
leaving subject at the jail.

g. Documentation of use of force.

i. Following any incident involving the use of force
against a suspect(s), the officer(s) involved will
complete an incident report. However, the accidental,
or intentional use of deadly force by an officer,
whether or not injury or death occurs will be
investigated and a written report will not be
completed by personnel involved. Incident reports
will accurately and thoroughly describes all aspects
of the situation. The officer(s) will, at the minimum,
include the following elements in the report.

1. Background information: Date and time of the
incident, exact location of the incident and
names of everyone involved (suspect(s),
officers, and other law enforcement agencies
and any witnesses).

2. Approach factors: Information about factors
involved in the incident prior to the application
of force. Example: Incident assignment from
Dispatch, officer’s approach to the situation,
assessment of the threats and reasons the
officer felt force was necessary.

3. Use of force: Specific information about the
application of force, including:

   a. Description of suspect’s behavior and
      officer’s actions in response to that
      behavior.

   b. Level(s) of force applied and reasons
      for that. This section of the report
should clearly indicate each level of force that was used. (Example – presence, dialogue, empty hand control techniques, intermediate weapons, deadly force, etc.) There should be an explanation of any escalation of force levels based on suspect’s behavior.

c. Information about any special circumstances relevant to the incident, such as a sudden assault by the suspect, suspect’s ability to rapidly escalate force, multiple suspects, prior knowledge of suspect’s behavior, and any other information about the suspect(s), or officers such as officer’s injury, exhaustion, etc. Such information may be important in justifying the officer’s action in a situation.

d. Follow through: Specific information about all the follow through steps taken following the use of force, including:

   i. Stabilization of subject(s) and scene and whether or not restraints were applied. If restraints were applied, what were they (handcuffs, flex cuffs, leg restraints), and how were they applied (cooperative handcuffing, one officer ground handcuffing, or multiple officer ground handcuffing.)

   ii. Whether suspect(s) was monitored for injuries and if so, what results of such monitoring was.

   iii. Whether any first aid or other medical assistance was provided, and if so, by whom.
iv. Result of the search of the suspect(s) for weapons and/or contraband.

v. Whether suspect(s) was escorted to different location and if so, what that location was. If suspect(s) transported by another officer or agency, document that information.

e. Investigative findings: Any information about the suspect(s) involved in the incident learned in the officer’s preliminary investigation, or from the officer’s prior knowledge of the suspect(s) which would help put the incident in its proper perspective. This could also include information about a suspect’s medical, or psychological history, witness’s statements, threats, previous behaviors, or other incidents in which the suspect(s) was involved.

f. At the end of each calendar month, the Chief or Lieutenant will fill out the Use of Force and Arrest Related Death (UFAD) form on TRACS to update the state regardless of a UFAD incident or not.

(c) Discharge of firearm: Accidental or intentional.

   a. Whenever an officer is responsible for an unwanted (accidental) or intentional discharge of a department issued or approved firearm, other than on an approved range or dispatching an animal under department policy, the following procedures are to be followed:

      i. Stabilization of the scene, that is, ensure scene is safe for all persons involved and then provide medical treatment, thus following the procedures of “follow through” considerations.

      ii. Immediately notify the Chief or Lieutenant of the situation.
iii. Protect the scene of the shooting as you would any other crime scene. NO ONE is allowed in except of the minimum number of medical/law enforcement personnel. See Policy 4.8 Protection of Crime Scene.

iv. There are situations where the officer(s) should be removed from the scene. This will be left to the discretion of the officer in charge of the scene.

v. Any officer who used force which results in death or bodily injury may be assigned special administrative duties, or be placed on administrative leave of absence by the Chief, or person designated by the Chief. The officer will remain on special assignment or administrative leave until such time the Chief, or his/her designee determines the officer should return prior to their status. See Policy 6.3 Medical Circumstances

vi. In all circumstances except as indicated in this policy, an officer(s) will file an incident report if their firearm is discharged while on, or off duty except while in the course of firearms training.

(d) Dispatching of animals:

a. Any officer who discharges his/her weapon to dispatch an animal for humane reasons shall fill out a Weapon Discharge Report.

b. Prior to dispatching the animal, the officer should notify Dispatch.

c. If at all possible, an attempt should be made to contact the owner of the animal, should it be a domesticated animal.

d. The animal should be shot in the back of the head, as this is the most humane. If rabies is suspected, don’t shoot the animal in the head, as the head may be needed for analysis.

(e) Use of Force Review:
a. DEPARTMENT OF CRIMINAL INVESTIGATION will investigate the following incidents:

1. The accidental, or intentional use of deadly force by an officer, whether or not injury or death occurs.

2. All incidents resulting in great bodily harm to a person(s) by an officer’s use of force.

b. The Use of Force Review shall consist of the following personnel:

i. Chief.

ii. Lieutenant.

iii. Firearms Instructor.

iv. DAAT Instructor.

v. Designee from District Attorney’s Office.

vi. One member selected by the Chief.

vii. One officer from selected by the officer/s involved.

c. If the officer involved is incapacitated and cannot designate an officer to serve on the review team, the Chief will direct the officer’s supervisor to select an officer to represent the involved officer. The selected is subject to the approval of the involved officer, should the officer cease to be incapacitated prior to the completion of the investigation.

d. Use of Force Review Team Duties:

i. The Use of Force Team shall investigate all of the following incidents:

1. All incidents involving the unintentional or intentional discharge of a department or personal approved firearm. Incidents in which officer dispatches an animal are excluded unless injury or property damages occur.
ii. A complaint received from a citizen alleging that an officer used excessive force resulting in an injury to a person. This complaint shall be referred to the Lieutenant.

iii. The Use of Force Review Team shall also investigate any incidents involving the use of force by an officer when so directed by the Chief or a supervisor.

e. Use of Force Review Team Investigation:

i. Upon notification, the Lieutenant, or designee shall notify all members of the Review Team to report to a designated place and will begin an investigation of the incident as soon as possible.

ii. If the incident resulting in the use of force has not been resolved, the supervisor on duty shall respond to and secure the scene until arrival of the Review Team. Officers on the scene not assigned to the Review Team shall be limited to resolving the emergency situation, if one still exists. Officers may assist in preserving items of evidence, isolating witnesses, officers, and/or other agency officers involved in the incident, if needed and such other duties as may be directed by Chief, Lieutenant or designated supervisor in charge.

iii. Upon concluding their investigation, the Review Team shall submit to the Chief a report of the team’s findings and final conclusion. The report shall include the following:

1. Description of how the investigation was conducted.

2. Listing of all the facts established by the investigation.

3. Any points of disagreement between Review Team members.

4. Recommendation of commendation, or discipline, if applicable.

5. The conclusion of the report will contain one of the following findings:

a. Justified and consistent with department policy.

b. Justified contrary to department policy with extenuating circumstances present.
c. Unjustified contrary to department policy.

b. Disclaimer: This policy is for internal use only and is not intended to increase Officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety, or care with respect to third party claims of any kind or nature. Violations of this policy may form the basis for departmental administrative action, but such action is not intended for use in the courts of civil or criminal jurisdiction.

Duty to Report Noncompliant Use of Force per Act 75

a. An officer must report noncompliant use of force to a supervisor within the Holmen Police Department as soon as it is practicable to do so.

b. A separate written report documenting the witnessed noncompliant use of force along with a use of force report form (If applicable) will be filled out if the reporting officer also used force during the incident.

c. The officer must document any measures taken to intervene or stop the use of noncompliant use of force.

Duty to Intervene

A law enforcement officer shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force that does not comply with the standards under WI Stat 175.44(4) sub. (2)(b) or (c) in the course of that law enforcement officer’s official duties.

Whistleblower Protections

No law enforcement officer may be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force as required under sub. (3) or (4).

Chief of Police
Shane Collins
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: Officer Involved Shooting

SCOPE: ALL DEPARTMENT PERSONNEL

DISTRIBUTION: POLICY & PROCEDURE MANUAL

INDEX AS: Deadly Force Incident Procedures
Legal Services
Officer Involved Shooting Incident
Post-Traumatic Stress Disorder

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for the investigation of officer-involved shooting incidents involving officers of the Holmen Police Department and other incidents where death or serious injury has resulted from an officer’s actions.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEADLY FORCE INCIDENT PROCEDURES

III. INVESTIGATOR RESPONSIBILITIES

IV. POST-TRAUMATIC STRESS DISORDER

V. LEGAL SERVICES

VI. ADMINISTRATIVE REVIEW

I. POLICY

It is the policy of the Holmen Police Department that officer-involved shootings, whether on or off duty, be investigated so as to determine whether officer actions conform to law and this Department’s policy, procedures, rules, and training.

II. PROCEDURES

A. The following procedures shall be followed when an officer is involved in an incident where deadly force causes death or serious bodily injury to another person. When the officer is also seriously injured or killed the Employee Serious Injury or Death Policy, 1.4 will also apply.

B. The involved officer shall:
   1. Determine if the scene/incident is now safe – no threat(s) still present.
   2. Check self for injuries.
3. Communicate status with dispatch center and other officers assuring back-up is responding.
4. If safe to do so, secure and check the subject for injuries and administer first aid if required.
4. Summon Emergency Medical Services (EMS) personnel as necessary.
5. Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate EMS personnel.

C. Responding officers shall:
   1. Confirm the scene is safe to approach.
   2. Tend to the involved officer and summon EMS if not already done
   3. Relieve the officer involved in the incident from first aid responsibilities of tending to the injured subject as soon as practical.
   4. Establish a perimeter to protect the scene.
   5. Request mutual aid, and other additional resources as needed, etc.
   6. Determine if the suspect is still at large. Obtain a description and request personnel to initiate the search.
   7. Establish a Command Post location and staging area for EMS and support units.
   8. Identify and control evidence that could be lost.
   9. Identify, isolate and control witnesses.
  10. Contact the police chief, Lieutenant or OIC

D. Police Chief or Lieutenant Responsibilities.
   1. When the police chief or Lieutenant are notified and summoned to the scene of the incident, he/she shall assume primary responsibility in caring for involved personnel.
   2. If the involved officer is at the scene, the Police Chief or Lieutenant will ask “public safety questions” of the officer involved. Due to the immediate need to take action, officers do not have a right to wait for legal representation before answering these limited questions:
      a. Are you injured?
      b. Do you know if anyone else is injured? Where are they?
      c. In what direction did you fire your weapon?
      d. Are any suspects still at large? Description of the suspects?
      e. What direction did the suspect leave?
      f. How long ago did the suspect leave?
      g. What crime(s) are the suspects wanted for?
      h. Are the suspects armed? If so, what type of weapon(s)?
      i. Does any evidence need to be preserved?
     j. Where is this evidence located?
     k. Did the officer observe any witnesses?
I. Where are these witnesses?

3. Remove the involved officer from the scene as soon as possible following these guidelines:

   a. The officer involved shall be transported as soon as feasible to the hospital for evaluation. A supportive peer officer will be assigned, if available, to accompany and remain with the officer and provide assistance.

   b. A Chief will assign a support officer. The support officer will secure all equipment of the officer involved. The support officer will photograph the officer involved as he is before taking clothing for evidence purposes. The equipment shall be left in the identical condition as when it was secured. No weapon will be unloaded or changed in condition. The officer’s weapon will be replaced with another when it is retained for evidence. The Police Chief or designee will secure the officer’s weapon and provide a temporary replacement.

   c. (6.3.8.5) Arrange to have the officer involved contact family, clergy, and or legal counsel. Under no circumstances will an officer be placed in the rear seat of a squad car. No officer will be held or isolated in any area without a peer support officer.

   d. The Police Chief or Lieutenant shall, if feasible, personally go to the home of the officer involved making notification to family members and providing transportation to the hospital or other location as required. The Police Chief and/or Lieutenant shall also brief family on the procedures that will be followed for the incident. If the officer involved is injured, every attempt will be made to make personal notification. Every effort will be made to assist family members and support persons with transportation.

   e. Officers(s) involved should normally not be questioned at the hospital. They are there for medical evaluation and may be medicated or provided a sedative to bring down blood pressure, relax and sleep affect the officer’s recall.

   f. Under no circumstances will the officer’s home or family information be given to the hospital. They will get the officer’s name and the Holmen Police Department address.

   g. After medical evaluation and treatment (if required), the assigned support
officer shall transport the officer to his/her home and make arrangements for the officer’s vehicle. Under normal circumstances the officer should not be permitted to drive himself home.

h. No investigative examination or interview will take place until the Police Chief or Lieutenant authorizes such.

i. (6.3.8.4) The officer involved shall be placed on administrative leave or desk duty by the Police Chief or Lieutenant during the investigation of the incident and or until such time as the incident investigation is completed.
   1) The officer shall be available for Departmental interviews and statements regarding the incident and subject to recall to duty.
   2) The officer will be returned to full duty as soon as possible.

j. Department employees are encouraged to show the involved officer(s) their concern. They are not permitted to speak with the media about the incident or about the involved officer.

k. The involved officer should be advised to have phone calls answered by another person for several days after the incident if the officer’s name is released to the public.

l. The officer should be advised not to discuss the incident with anyone except a personal or Department attorney, medical professional, clergy, or assigned investigator, until the conclusion of the preliminary investigation. This does not prohibit the officer from discussing the incident with their spouse.

m. The Police Chief will assure that officer who discharges his/her firearm during a deadly force incident shall be required to re-qualify as soon as practical.

4. The Police Chief or Lieutenant will contact the appropriate law enforcement agency to conduct an investigation. Any investigation of the incident shall be conducted as soon as practical.

5. The Police Chief or Lieutenant should brief other Department members concerning the incident so that rumors are kept to a minimum.

E. At all times, when at the scene of the incident, the investigating personnel including the Police Chief or Lieutenant should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
F. (6.3.8.5) Any officer directly involved in a deadly force incident shall be required to contact a Department designated specialist for counseling and evaluation as soon as practical after the incident in accordance with Department Policy 1.3. Involved support personnel shall also be required to contact such specialists after a deadly force incident. After the counseling sessions, the specialist shall only discuss with the police chief:

1. Whether it would be in the officer’s best interest to be placed on administrative leave or desk duty, and for how long;

2. What will be the best course of continued counseling.

G. (6.3.8.6) The Department strongly encourages the family of the involved officer to take advantage of available counseling services.

III. ASSIGNED INVESTIGATOR(S)
A. (6.3.8.1) Department of Criminal Investigation (DCI) will conduct the principle investigation. The Village of Holmen will conduct a policy/administration investigation. **DCI 608-266-1671**  **Crime lab 608-266-2031**

IV. POST-TRAUMATIC STRESS DISORDER
A. (6.3.8.6) Post-Traumatic Stress Disorder (PTSD) may not arise immediately, or the officer may attempt to hide the problem, therefore each officer is responsible for monitoring the behavior of Department members for symptoms of PTSD.

B. The Police Chief or his/her designee will order an employee of the Department to seek assistance or counseling from an appropriate specialist upon a reasonable belief that stress may be disrupting the employee’s job performance in accordance with Department Policy 6.3, Medical Circumstances.

C. The Department shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this Policy & Procedure and the Employee Serious Injury or Death Policy, 1.4

D. The Police Chief is responsible for making available to Department employees information about appropriate services.

E. (6.3.8.5) The Department will make every effort to provide or make available appropriate services for the officer, and/or the officer’s family at no expense to the employee, when involved in an incident involving injury or death.
1. The purpose of these services will be to allow the officer to express his/her feelings and to deal with the moral/ethical and/or psychological after effects of the incident.

2. The purpose making available these services to the family of the officer is to provide the officer and family with a source of professional consultation to aid them in dealing with the potential moral, ethical, and/or psychological after effects of the incident.

3. (6.3.8.3) Psychological services shall not be related to any Department investigation of the incident. The counseling sessions will remain protected by the privileged physician-patient relationship and no reports of the sessions or information discussed will be filed with the department.

V. LEGAL SERVICES
   A. (6.3.8.3) If the Department determines any officer involved in a deadly force incident involving injury or death has acted within the scope of their employment, the Village of Holmen will provide legal services as provided in WI § 895.46. §164 Law Enforcement ‘Bill of Rights’. The Police Chief or Lieutenant will contact union representative for involved officer(s)

VI. ADMINISTRATIVE REVIEW
   A. (6.3.8.2) An administrative review of the incident will be conducted by the Police Chief or his/her designee.

   B. The purpose of the review will be twofold: to determine whether the officer followed established policy, procedure and training; and to determine if any future policy, procedure or training recommendations are necessary.

   C. The administrative review will begin once the criminal investigation has been completed, unless directed otherwise by the police chief.

   D. (6.3.8.1) If a criminal investigation is not completed and/or before any prosecutorial body has determined if charges are appropriate, any information gathered in the administrative review shall not be shared with the investigating officer(s) or any prosecutor.
This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 09/07/2016
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: LINE OF DUTY DEATHS OR SERIOUS INJURY NUMBER: 1.4
SCOPE: ALL DEPARTMENT PERSONNEL ISSUED 03/01/2013
DISTRIBUTION: POLICY & PROCEDURE MANUAL

PURPOSE
This policy establishes procedures to ensure the proper support and emotional care for an officer’s family following a line-of-duty death or serious injury.

POLICY
The department will provide liaison assistance to the immediate family of an officer who dies or is seriously injured in the line of duty. This assistance is provided whether the death was unlawful or accidental (i.e. automobile accident, hit by a passing vehicle during a traffic stop, training accident) while the officer was performing a police-related function, either on or off duty, and while he or she was an active member of the department. The Chief of Police may institute certain parts of this policy for cases of an officer’s natural death. The department will also provide a clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period of readjustment for the surviving family. Funeral arrangements of the deceased officer are to be decided by the family, with their wishes taking precedence over the department’s.

DISCUSSION
Coordination of events following the line-of-duty death or serious injury of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the officer’s family and to the law enforcement community. In order to provide the best possible services and support for the officer’s family, specific tasks may be assigned to selected members of the department. Their titles are:
A. Notification Officer
B. Hospital Liaison Officer
C. Family Liaison Officer
D. Department Liaison Officer
E. Benefits Coordinator

An explanation of each of these responsibilities is contained in this policy. An officer may be called upon to perform more than one role.

Officers are encouraged to maintain an up-to-date Confidential Line-of-Duty Death/Serious Injury Information form in the Chief’s office. The information will be of extreme comfort to the officer’s family and the department in fulfilling the deceased officer’s wishes.

DEFINITIONS
PROCEDURES

A. Notification

1. It is the responsibility of the Chief or Lieutenant to properly notify the next of kin of an officer who has suffered severe injuries or death. The Chief/Lieutenant should open the Confidential Line-of-Duty Death/Serious Injury Information form to ensure the officer’s wishes are followed. The Chief/Lieutenant may personally make the notification or designate a Notification Officer to inform the survivors.

2. The department will not release the name of the deceased officer before the immediate family is notified.

3. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence at the time of notification.

4. Notification will be made in person and never alone. The Chief of Police or his or her designee, or police chaplain, could appropriately accompany the Notification Officer. However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the death of the officer, do not wait for the delegation to gather. The family should learn of the death from the department first and not from the media or other sources.

5. Never make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the Notification Officer should relay as much information as possible to the family. Be sure to use the officer’s name during the notification. If the officer has died, relate that information. Never give the family a false sense of hope. Use words such as “died” or “dead” rather than “gone away” or “passed away.”

6. If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car.

7. If young children are at home, the Notification Officer must arrange for baby-sitting needs. This may involve co-worker’s spouses, transportation of children to a relative’s home, or similar arrangements.

8. Prior to departing for the hospital, the Notification Officer should notify the hospital staff and the Hospital Liaison Officer (by telephone, if possible) that a member of the officer’s family is in-route.

9. The deceased or severely injured officer’s parents should also be afforded the courtesy of a personal notification whenever possible. The Confidential Line-of-Duty Death/Serious Injury Information form should be checked for this information.

10. If immediate survivors live beyond the La Crosse County area, the Notification Officer will ensure that the La Crosse County Emergency Dispatch Center sends a Teletype message to the appropriate jurisdiction, requesting a personal notification. The Notification Officer may choose to call the other jurisdiction by telephone in addition to the Teletype message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the department.

11. The Chief or Lieutenant should respond to the residence or the hospital to meet with the family as quickly as possible.

12. In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Whenever possible, communications regarding notifications should be restricted to the telephone. If the media has obtained the officer’s name, they will be advised to withhold the information pending notification of next of kin.

B. Assistance for Affected Officers

1. Officers who were on the scene or who arrived moments after an officer was seriously injured or killed should be relieved as quickly as possible.
2. Police witnesses and other officers who may have been emotionally affected by the serious injury or death of another officer shall attend a Critical Incident Stress Debriefing held by a trained mental health professional.

C. Assisting the Family at the Hospital

1. The first officer to arrive at the hospital, other than the Chief or his/her representative may become the Hospital Liaison Officer; otherwise whoever the Chief or Lieutenant assigns. The Hospital Liaison Officer is responsible for coordinating the activities of hospital personnel, the officer’s family, police officers, the media, and others. These responsibilities include:
   a. Arranging with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the Notification Officer, and others requested by immediate survivors;
   b. Arranging a separate area for fellow police officers to assemble;
   c. Establishing a media staging area;
   d. Ensuring that medical personnel relay pertinent information regarding the officer’s condition to the family on a timely basis and before such information is released to others;
   e. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased officer are directed to the Village of Holmen; (The family should not receive any of these bills at their residence. This may require the Hospital Liaison Officer to re-contact the hospital during normal business hours to ensure that proper billing takes place.)
   f. Ensuring that the family is updated regarding the incident and the officer’s condition upon their arrival at the hospital, and
   g. Arranging transportation for the family back to their residence.

2. If it is possible for the family to visit the injured officer before death, they should be afforded that opportunity. A police official should “prepare” the family for what they might see in the emergency room and should accompany the family into the room for the visit, if the family requests it. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

3. The Notification Officer should remain at the hospital while the family is present.

4. Do not be overly protective of the family. This includes sharing specific information as to how the officer met his or her death, as well as allowing the family time with the deceased or injured officer.

C. Support of the Family During the Wake and Funeral

1. The Chief of Police/Lieutenant, or a designee, will meet with the officer’s family to determine their wishes regarding departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.

2. With the approval of the family, the Chief will assign a Family Liaison Officer. The Chief will also designate a Department Liaison Officer and a Benefits Coordinator.

D. Family Liaison Officer

1. The selection of a Family Liaison Officer is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the officer and his or her family. When possible, male/female “teams” should be utilized as Family Liaison Officers, thus preventing bonding between the survivor(s) and officer during a vulnerable time in the survivor’s life.

2. This is not a decision-making position but a “facilitator” between the family and the department.

3. Responsibilities of the Family Liaison Officer include:
   a. Ensuring that the needs of the family come before the wishes of the department;
   b. Assisting the family with funeral arrangements and making them aware of what the department can offer if they decide to have a police funeral. If they choose
the latter, briefing the family on funeral procedure (i.e., presentation of the flag, playing of taps, firing party);

c. Apprising the family of information concerning the death and the continuing investigation;

d. Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting child care and transportation needs, etc.;

e. Being constantly available to the family;

f. Determining what public safety, church, fraternal, and labor organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.;

g. Notifying Concerns of Police Survivors (C.O.P.S.), (573) 346-4911. Members are available to provide emotional support to surviving families, and

h. Carrying a cell phone at all times.

E. Department Liaison Officer

1. This position is normally assigned to a supervisor because of the need to effectively coordinate resources throughout the department.

2. Responsibilities of the Department Liaison Officer include:

a. Working closely with the Family Liaison Officer to ensure that the needs of the family are fulfilled.

b. Handling the news media throughout the ordeal. If the family decides to accept an interview, an officer should attend to “screen” questions presented to the family so as not to jeopardize subsequent legal proceedings.

c. Meeting with the following persons to coordinate funeral activities and establish an itinerary:

1) Chief of Police/Lieutenant,
2) Funeral director,
3) Family priest or minister,
4) Cemetery director, and
5) Honor Guard;

d. Directing the funeral activities of the department and visiting police departments according to the wishes of the family;

e. Issuing a Teletype message to include the following:

1) Name of deceased,
2) Date and time of death,
3) Circumstances surrounding the death,
4) Funeral arrangements (state if service will be private or a police funeral),
5) Uniform to be worn,
6) Expressions of sympathy in lieu of flowers, and
7) Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information;

f. Establishing a command center, if necessary, to coordinate information and response to the tragedy;

g. Developing a policy for the wearing of badge memorial ribbons;

h. Obtaining an American flag, if the family wishes a flag presentation by the Chief;

i. Determining if the family desires a burial in uniform and selecting an officer to obtain a uniform and all accoutrements (except weapons) and deliver them to the funeral home;

j. Assigning officers for usher duty at the church;

k. Arranging for the delivery of the officer’s personal belongings to the family;

l. Briefing the Chief and staff concerning all funeral arrangements;

m. Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession;

n. Arranging for a standby doctor for the family, if necessary;
o. Coordinating traffic management with other jurisdictions during the viewing, funeral, and procession;
p. Assigning an officer to remain at the family home during the viewing and funeral (possibly a Deputy or Reserve);
q. Maintaining a roster of all departments sending personnel to the funeral, including:
   1) Name and address of responding agencies,
   2) Name of the Chief of Police/Supervisors,
   3) Number of officers attending,
   4) Number of officers attending the reception after the funeral, and
   5) Number of vehicles;
r. Assisting in making the necessary accommodations for food, lodging, etc.;
s. Acknowledging visiting and assisting departments; and
t. Arranging for residence checks of the survivor’s home for 6-8 weeks following the funeral.

F. Benefits Coordinator
1. The Benefits Coordinator will gather information on benefits/funeral payments available to the family. The Benefits Coordinator has the department’s full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received.
2. The Benefits Coordinator is responsible for:
a. Filing Worker’s Compensation claims and related paperwork;
b. Contacting Village Hall without delay to ensure that the beneficiary receives death and retirement benefits and the officer’s remaining paychecks;
c. Gathering information on all benefit/funeral payments;
d. Setting up any special trust funds or educational funds;
e. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices and when they can expect to receive payment;
f. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time;
   1) If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
   2) Attention should be given to the revocation of health care benefits.
g. Meeting again with the family in about six months to ensure they are receiving benefits.

G. Continued Support for the Family
1. Members of the department must remain sensitive to the needs of the survivors long after the officer’s death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.
2. Survivors should continue to feel a part of the “police family.” They should be invited to department activities to ensure continued contact.
3. Members of the department are encouraged to keep in touch with the family. Close friends, co-workers, and officials should arrange with the family to visit the home from time to time, so long as the family expresses a desire to have these contacts continue.
4. The Chief of Police should observe the member’s death date with a short note to the family, flowers on the grave, and/or wreath placement at the National Law Enforcement Officers Memorial.
5. Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

6. The Family Liaison Officer acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the department and the survivors and that their needs are met for as long as they feel the need for support.

7. If no court proceedings surround the circumstances of the member’s death, the Family Liaison Officer will relay all details of the incident to the family at the earliest opportunity.

8. If criminal violations surround the death, the Family Liaison Officer will:
   a. Inform the family of all new developments prior to press release;
   b. Keep the family apprised of legal proceedings;
   c. Introduce the family to the victim’s assistance specialists of the court;
   d. Encourage the family to attend the trial and accompany them whenever possible; and
   e. Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.
CONFIDENTIAL INFORMATION FORMS ARE COMPLETED BY EACH MEMBER OF THE DEPARTMENT AND KEPT IN A SEALED, CONFIDENTIAL FILE IN THE SUPERVISOR’S OFFICE. THEY ARE UPDATED ANNUALLY.
CONFIDENTIAL
EMPLOYEE INFORMATION

SERIOUS INJURY / LINE-OF-DUTY DEATH
INFORMATION

Name_______________________________________________

Last       First       Middle

The information that you provide on the form will be used only in the event of your serious injury or death in the line of duty. Please take the time to fill it out accurately because the data will be of extreme comfort to your family and the Holmen Police Department in fulfilling your wishes.

Address _____________________________________________

City___________________State____Zip___________

Home phone__________________________________________

FAMILY INFORMATION

Spouse/significant other_________________________________

Address and phone____________________________________

____________________________________________________________________

Spouse’s employer _________________________________________

Address and phone_______________________________________

Approximate hours ________________________________________

And days of work ______ to ______ days of week_______

Names of children ___________________________DOB_______
School attended ________________________________________

Names of children ___________________________DOB_______
School attended ________________________________________

Names of children ___________________________DOB_______
School attended ________________________________________

Names of children ___________________________DOB_______
School attended ________________________________________

If divorced, ex-spouse name______________________________

Address ______________________________________________

____________________________________________________________________

Home phone_____________________________________________
Employer  ______________________________________
Address  ______________________________________
Phone  ______________________________________

Do you want a police representative to contact your ex-spouse?
(   ) Yes (   ) No

Please list name, address, and phone number of your children who live outside the family and key relatives (parents, siblings, in-laws, etc…)

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<th>Name</th>
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**NOTIFICATIONS**

Please list the persons you would like to be contacted by a Police representative. Begin with the first person you would like notified.

**Name**
Address  ______________________________________  home #__________
Employer and address  ______________________________________
Work phone  ________________approx. hours of work_______to_______

**Name**
Address  ______________________________________  home #__________
Employer and address  ______________________________________
Work phone  ________________approx. hours of work_______to_______

**Name**
Address  ______________________________________  home #__________
Employer and address  ______________________________________
Work phone  ________________approx. hours of work_______to_______

**Name**
Address  ______________________________________  home #__________
Employer and address  ______________________________________
Work phone  ________________approx. hours of work_______to_______
**Name**

________________________________________________________

**Address**

__________________________________________

**Employer and address**

__________________________________________

**Work phone** _____________________ **approx. hours of work** ________ to ________

Is there anyone you would like to accompany the Police representative when the notification is made to your immediate family? (Examples: a certain department member, clergy person, close friend etc…)

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Is there anyone you would like to assist your family, or to assist with funeral arrangements, or related matters who is not listed above? This person should be knowledgeable concerning your life insurance representatives, location of will, etc…

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ADDITIONAL INFORMATION

Please list any preference you may have regarding funeral arrangements:

Funeral home ____________________________________________________________

Church/Synagogue ______________________________________________________

Cemetery ______________________________________________________________

Are you a veteran of the U.S. Armed Services? ( ) Yes ( ) No

If entitled to a military funeral as determined by the Department of Veterans Affairs, do you wish to have one? ( ) Yes ( ) No

Do you wish a law enforcement funeral? ( ) Yes ( ) No

Please list memberships in law enforcement, religious, or community organizations that may provide assistance to your family?

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Do you have a will? ( ) Yes ( ) No

If yes, where is it located? _____________________________________________

Please list any insurance policies you may have.

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<th>Location of Policy</th>
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SPECIAL INFORMATION

When is the last time you reviewed and updated beneficiary information on your present insurance policies?  
Date __________

When is the last time you reviewed and updated your will?  
Date __________

All Holmen officers are members of the Wisconsin Retirement System. When is the last time you reviewed beneficiary information?  Date ______

Are there any special requests or directions you would like followed upon your death?
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Signature_________________________________ Date ________________
APPENDIX II

Funeral Protocol

I. General Funeral Procedures

A. All officers will maintain an excellent personal appearance. Uniforms and equipment must be in outstanding condition.

B. Uniforms

1. Spring and summer – long sleeve shirt and tie.

2. Fall and winter – same.

3. A black sash will be worn across the badge.

C. Funeral Services

1. Officers who attend the funeral services will report to a pre-designated assembly point, away from the place of services, for inspection and briefing.

2. Upon entering the building, members will remove their uniform hats, place them under their left arm (hat brim forward), and move in an orderly manner to the place reserved for them.

3. Officers will remain standing until all members are in their places and the command “BE SEATED” is given.

4. Officers will sit with their hats upright in their laps, maintaining a military bearing throughout the service.

5. At the end of the service, officers, upon receiving the command “OFFICERS RISE”, will rise in unison and place their hats under their left arm preparatory to filing past the casket. They will hold their hats in this position until they have passed the casket and arrived outside.

6. Upon leaving the building, members will replace their hats and assemble in formation.

   a. Two ranks will be formed facing each other, leaving an aisle through which pallbearers and casket may pass.
b. Members will be formed by height. They will normally be dressed at extended intervals, but may be dressed at close intervals if space is limited.

c. While waiting in formation, members will stand at parade rest.

7. When the casket comes into view, the formation will be called to attention. The next command will be “PRESENT ARMS”. All members salute and hold this salute until the “READY”, “FRONT” is given and officers return their hands to their sides.

8. After the doors of the hearse are closed, the command “FIRST RANK (passenger side of hearse), RIGHT FACE” and “SECOND RANK (driver’s side of hearse), LEFT FACE” is given, so that the two columns are facing the hearse.

9. The Commander will then dismiss the formation with the command “OFFICERS DISMISSED”. The officers will break ranks and leave in a quiet and orderly manner.

10. Officers will then take their assigned places in the motorcade and proceed to the cemetery.

D. Gravesite Services

1. Officers will report to the places that have been reserved for them immediately upon arrival at the gravesite. If indoors, officers will remove their hats and hold them under their left arm. All officers will sit with hats in laps, maintaining a military bearing throughout the services. If services are held outdoors, officers will wear their hats.

2. Just prior to the 21-gun salute and taps, the command “OFFICERS RISE” will be given. Officers will stand at attention facing the casket. When the 21-gun salute and taps have concluded, the command “OFFICERS DISMISSED” will be given. Officers will then break ranks and return to their assigned vehicles.

II. HONORS ACCORDED

A. Any Holmen police officer who dies in the line of duty will be accorded full honors, if requested by the survivors. This will include the casket watch
during viewing, honor guard, pallbearers, firing squad, taps, military flag fold and presentation, and motor escort.

B. The Honor Guard Commander is responsible for coordinating and directing the activities of the Honor Guard, casket watch, pallbearers, firing squad, bugler, and flag presentation.

C. Casket Watch

1. The casket watch is usually comprised of officers from the Honor Guard. However, volunteers may stand watch at the discretion of the Honor Guard Commander. Officers who are assigned to the casket watch must present an excellent uniform appearance and conform to all current grooming regulations.

2. The dress uniform, including hat, blouse, and white gloves, will be worn for the casket watch. The watch will be divided into shifts with two officers standing 30 minutes at a time.

3. If the family wishes, an informal watch can take place after the viewing has been concluded for the day.

4. The casket watch moves in slow cadence. This includes marching, movements, and saluting. The official will post the watch and the officers will position themselves at or near the head and feet of the deceased officer.

D. Honor Guard

1. Members of the Honor Guard will assemble at a location near the service (church, funeral home, or cemetery) for inspection by the Honor Guard Commander.

2. The Honor Guard Commander will execute commands.

E. Pallbearers

1. If the family requests pallbearers, the Honor Guard Commander will select them.

2. Pallbearers will be under the direction of the Honor Guard Commander. They will report to the funeral home as directed for instructions and seating arrangements.
III. PROCEDURAL VARIATION

The procedures outlined in this policy shall be followed in most cases. Any changes made necessary by a shortage of manpower, the unusual size of the funeral, the type of service, the physical arrangement of the place of service or for any other reason shall be made by the Department Liaison Officer.

Any additional honors to be accorded to deceased officers or employees of the department, or to deceased officers of other law enforcement agencies, shall be at the discretion of the Chief of Police.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: OLEORESIN CAPISCUM (OC, PEPPER SPRAY)  NUMBER 1.5

SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED: 05/15/2000

DISTRIBUTION: POLICY & PROCEDURE MANUAL

POLICY
The use of oleoresin capsicum commonly referred to as “OC” or “pepper spray” is a tool used to gain control of a violent subject(s) who are either making verbal threats of harm and/or are physically combative. The use of OC has the potential to reduce injury to officers, civilians, and subject(s). Only Officers who have either completed Basic Law Enforcement Recruit school or attended the 4 hour in-house OC certification course shall be permitted to use Department issued OC spray while on-duty or acting in a law enforcement capacity while off-duty.

OC spray as with any use of force shall only be used when it meets the law enforcement objectives of the Department listed in the Use of Force Policy 1.1. The criteria for OC spray use is “active resistance or its threat from a subject”. As with any force option, actual use of OC spray depends on an officer’s tactical evaluation of the situation. OC is not a replacement or substitute for other authorized techniques or law enforcement tools, therefore, should only be used when it is the best choice for the circumstances.

OC spray shall never be used as a form of punishment or retaliation towards a subject(s). Prior to deployment of OC spray, verbal direction shall be used until it is proven ineffective or inappropriate. Officers should only use the minimum amount of OC to achieve the desired effects. Once the desired effects are achieved or the OC has proven ineffective, the Officer should discontinue its use. After OC spray is used, when tactically feasible, follow-thru procedures shall be followed. This will include stabilizing the subject(s), initial medical assessment, searching, decontamination, escorting, transportation and long term monitoring when necessary. All Officers involved in the incident shall complete an incident report. A supervisor shall also be notified when OC spray has been used.

OC spray issued to uniformed Officers shall be carried in department approved holder on their duty belt. Non-uniformed personnel have the option of carrying the OC unit in their pockets or placed on their belt.

PURPOSE
The purpose of this policy is to establish guidelines in the following areas for the use of OC spray:

- Authorization
- Justification
- Guidelines for usage
- Decontamination
- Documentation
- Handling/Storage
- Review
DEFINITIONS

- **Oleoresin Capsicum**: Oily based resin derived from processing organic hot peppers, most commonly cayenne pepper is used as the active ingredient. OC is classified as an inflammatory.

- **OC units**: OC spray units come in varying types of dispersion methods, sizes and OC percentages. Spray types include stream, mist, fog, foam and blast dispersion. Holmen Police Department currently uses 1 type of OC, First Defense MK-3 (stream dispersal). The MK-3 unit should be sprayed no closer than 3 to 4 feet from the subject.

NOTE: The use of First Defense MK-3 sprays doesn't limit the department's use of other types of OC dispersion methods that may be needed for a given situation.

- **Active Resistance**: A subject(s) that is physically aggressive; verbally and/or visually threatening to assault an officer or other person(s); or trying to aggressively escape.

AUTHORIZATION

Only Officers who have completed Basic Law Enforcement Recruit School or completed a department approved training course and maintained an annual refresher course may use department issued OC while acting in a law enforcement capacity.

JUSTIFICATION

The criteria for the use of OC spray is active resistance or its threat from a subject. As with any force option, actual use of OC spray depends on the officers(s) tactical considerations and evaluation of the situation based on the officer’s training and experience.

OC spray may be used under the following situations, but not limited to:

- Where verbal direction or persuasion is ineffective or inappropriate and the subject is verbally threatening physical assault.
- The subject is exhibiting pre-attack postures (shoulder shift, boxers stance, clenched fists, target glance, thousand yard stare) and verbal direction or persuasion is ineffective or inappropriate.
- Where passive resistance techniques have failed and the next option may be to escalate to physical force options (active countermeasures) to gain or maintain control.
- The subject physically attacks officer.
- To ward off a dangerous animal.
- Selected examples of acceptable use of OC:
  1. The officer reasonably believes she/he will be engaged in a fight or assaulted by a subject.
  2. Encounter with subject that has armed him/herself with an edged weapon or blunt instrument, but does not have the means to deliver the weapon. Note: When there is justification for deadly force, OC spray should not be used as an option for deadly force.
  3. Barricaded subjects in which a force entry may be required. Note: Team tactics should be utilized. In cases of barricaded armed subject(s) supervisor shall be contacted and the supervisor will determine whether the Emergency Response Team should be dispatched.

GUIDELINES FOR USAGE

- For maximum effect, OC spray should be used at a distance recommended by the manufacture for the type of aerosol being used.
• Officers should only use the minimum amount of OC to achieve the desired effects. Once the desired effects are achieved or the OC has proven ineffective, the officer should discontinue use.
• Primary OC application targets include:
  1. Face
  2. Eyes
  3. Nose
  4. Mouth
• Intentional spraying of the groin area is not permitted.
• Officers shall not use OC spray to punish a subject(s).
• Officers must take officer/subject factors into account before considering spraying a subject.
• Officers must take into consideration environment before using OC spray. Examples:
  1. Crowded enclosed areas, particularly when using fog or mist dispersal OC sprays.
  2. Inside passenger compartments of motor vehicles. Not recommended to use OC spray unless vehicle is disabled and cannot be operated.
  3. Elevated areas when there is a danger subject can fall if not immediately subdued.
• Officers shall not engage in horseplay with OC spray.

DECONTAMINATION
After control has been established and/or resistance has ceased, the officer will make reasonable efforts to provide relief from the discomfort associated with being sprayed with OC for the subject. Severe symptoms of OC exposure are expected to disappear in 45 minutes or less with only minor effects afterwards (red skin, mild burning sensation, etc.).

Reasonable OC decontamination should include:
• Removal of the subject from sprayed area, provide fresh ventilation.
• Keeping subject calm by calmly informing the subject of the anticipated effects of OC exposure.
• Instruct subject to blow his/her nose to remove lodged particles and to blink eyes.
• Allow the subject to flush the affected area with cool water. This should be done as soon as tactically feasible. Officers may use spray bottles equipped in squads, water at current location (if present), and or take subject to nearest Police/Fire/first responder location.
• Ask subject if he/she is wearing contact lenses. If so and it is tactically feasible have the subject remove them. If the subject cannot, only medical personnel can remove them. Make arrangements
• If the subject continues to resist or refuses to be decontaminated the subject should be closely monitored and advise the jail staff once subject is turned over to their custody.
• At turn over, notify Jail staff that subject has been sprayed with OC, even if subject no longer suffers from the severe effects of being sprayed with OC. Jail staff will give the subject opportunity to wash with soap and water and give change of clothing.
• Symptoms of OC exposure should disappear within 15 to 45 minutes with no severe after affects. If symptoms other than mild after effects persist beyond 45 minute recovery period without significant relief to eyes, skin, and respiratory system, the officer or jailer shall arrange for prompt medical attention.
• If subject requests medical attention, Officers shall provide prompt medical service (transport to hospital/clinic/activate EMS).
• If subject is having severe reaction or stops breathing, activate EMS and provide CPR as necessary. Notify supervisor.

DOCUMENTATION
When OC spray is used by an officer, like any use of force incident, a complete incident report shall be completed. The report shall include the following, but not limited to:
• Date/time of incident.
• A list of participants, including supervisors, staff, witnesses, suspect(s).
• An accounting of the events leading to the use of OC spray:
  1. Reason for the contact with the subject(s).
  2. Subject’s action.
  3. Early/danger signs exhibited by the subject.
  4. Threats made by the subject.
  5. Past history of the subject known to the deputy(s).
  6. Officers approach to the situation.
  7. Officers verbal direction given to the subject.

• Description of injuries suffered, and treatment given or received to the subject and/or officer.
• Documentation of decontamination, and follow-thru considerations provided to the subject.

HANDLING / STORAGE
OC spray aerosol units generally have a shelf life of 4 years. The OC spray units should be stored in a cool dry area. The units should not be exposed to prolonged exposure to direct sunlight and should be kept away from heat sources.

The OC spray units should be shaken daily and prior to use.

The OC spray units should be checked for leakage and turned into a supervisor for replacement.

REVIEW
Follow Use of Force policy # 1-1 procedures.

DISCLAIMER
This policy is for internal use only and is not intended to enlarge or expand the officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care with respect to any possible claims. Violations of this policy may form a basis for departmental administrative action, but is not intended for use in civil or criminal courts.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: USE OF ELECTRONIC CONTROL DEVICES  NUMBER: 1.6

SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED 04/21/2005

DISTRIBUTION: POLICY & PROCEDURE MANUAL

POLICY
Currently, our department uses Taser, which is a non-lethal, conducted energy weapon that uses propelled wires attached to probes to discharge energy into a target. It is designated as an Electronic Control Device, in the category of Control Devices, in Intervention Options of the Disturbance Resolution Model of the Defense and Arrest Tactics or Principles of Subject Control Systems.

The Taser shall only be used to control individuals who are actively resisting, or threatening active resistance, when other reasonable alternatives have proven ineffective or clearly would be inappropriate for the given circumstances. If justification for Taser deployment exists, probe deployment should be the primary tactic due to effectiveness in gaining compliance. Drive-stun, or touch-stun, should only be used for backup in case of poor contact or probe deployment that misses the target.

The Taser should not be used on subjects that have been placed in restraints unless their violent actions cannot be controlled by other reasonable alternatives. When used properly, the Taser has the potential to minimize serious injury to subject and officers. While the Taser is safe to use in a majority of use of force circumstances, there are certain particular cases where other methods of control should be considered first, unless there is justification of reasonableness from Approach Considerations and totality of circumstances. (See Justification)

To reduce the potential of serious injury to the subject, only qualified officers shall deploy the Taser. Use of the Taser shall be closely supervised and it will only be used in situations that meet operational objectives of the patrol division.

The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and will subject the officer to disciplinary action, and potential criminal and civil liability.

PURPOSE
The purpose of this policy is to establish guidelines in the following areas:
- Authorization
- Justification/Deployment
- Follow-thru
- Training
- Handling/Storage
- Documentation

TASER DESCRIPTION
The Taser is a non-lethal conducted energy weapon which fires two probes from a replaceable cartridge. The probes are connected to the cartridge by insulated wires which discharge electrical impulses into the target through up to 2 inches of clothing. The electrical impulses temporarily override the sensory and muscular nervous systems causing uncontrollable contractions of muscle tissue and temporary physical incapacitation of a person, regardless of pain tolerance, substance abuse or mental focus. The electrical signal cycles for 5 seconds with the automatic timing cycle, but may be interrupted by turning the safety on or overridden by continued depressing of the trigger. The Taser may also be used in a drive-stun (touch-stun) mode without the cartridge or after the cartridge has been fired.

**AUTHORIZATION AND TRAINING**

Only personnel who have successfully completed a departmentally approved training course (4 hour User Certification course at a minimum) and maintained annual refresher training may deploy the Taser.

**Note:** In exigent circumstances where the Taser is a reasonable alternative and a certified Taser operator is not immediately available, the Taser may be used by non-certified (RESERVE) officer. Supervisors shall be responsible for ensuring and documenting that their officers who are not certified to use the Taser are briefed on this policy, function of the Taser, target areas, justification, deployment, and follow-thru procedures. All officers, certified or not, must be familiar and understand this policy.

**JUSTIFICATION**

The Taser is only to be used to meet law enforcement objectives and is a tool used to control individuals who are actively resisting or threatening active resistance. The Taser is an Electronic Control Device in the category of Control Devices in Intervention Options. Therefore, the criteria for deploying the Taser, is the same as OC, which is active resistance or its threat. If justification for Taser deployment exists, probe deployment should be the primary tactic due to its effectiveness in gaining compliance. Drive stun, or touch-stun, should only be used for backup in case of poor contact or probe deployment that misses the target.

When using the Taser, consideration shall be given as to whether the subject could be controlled by any other reasonable means without unnecessary risks to the subject, officers, or the public, in accordance with knowledge and training of Defensive and Arrest Tactics Training or Principles of Subject Control systems.

The Taser may be used in those instances where:

- A subject(s) is threatening harm to himself/herself, officers, or another person and other means of controlling him/her would be unreasonable or could cause bodily harm to the officer(s), to others, or the subject(s).
- It is believed that the officer(s), others or offender(s), would be endangered with bodily harm by the use of close quarters/hands on physical force options.

No officer will playfully, maliciously, or intentionally misuse the Taser. The Taser will not be used:

- Against a subject already restrained unless their violent actions cannot be controlled by reasonable alternatives.
- To threaten or gain information or evidence from a subject.
- As a form of punishment or discipline.
- To intimidate, unless to counter active resistance or its threat.
- As a “Prod” or to wake a person up.
- In incidents of passive resistance, verbal aggression or civil disturbance unless the totality of the circumstances dictates that a lesser level of force would be ineffective or attempting to use a lesser level of force may jeopardize the safety of others, the officer(s) or the subject(s).

In the following cases, other methods of control should be considered first, unless there is justification of reasonableness from Approach Considerations and totality of circumstances:

- Incidents involving children;
- Women who are known to be or are obviously pregnant;
- Elderly or those with known heart problems;
DEPLOYMENT
Deployment of the Taser is not designed or intended to take the place of deadly force options. Officers need to consider the risks to the public, themselves or other officers, or the subject. The Taser should not be used in deadly force situations without lethal backup.

When deploying the Taser the following procedures should be followed:
- When possible, the Taser should be directed at center mass of the body or larger muscle groups that present a target of opportunity. (I.e. to the subject’s back where clothing tends to be tighter or thighs when the subject is wearing heavy clothing).
- The Taser shall not intentionally be aimed or fired at the head, face, eyes or throat unless the situation escalates to the level of deadly force.
- Deploying officers should announce to those assisting that the Taser to reduce the potential for mistaking the Taser deployment as a firearm discharge. However, each officer must use their judgment to determine if a verbal warning of a Taser is appropriate to warn subject in each specific situation.
- The Taser cycle is the window of opportunity for the subject to be restrained by assisting officers. In situations where back-up officers are not available and the subject is too violent for the deploying officer to restrain the subject, the Taser may be used to maintain control until back-up officers arrive.
- In situations where multiple applications are used, it is recommended, that the deploying officer allow breaks between cycles to assess compliance by the subject.
- A supervisor shall be notified as soon as possible that the Taser has been or is being utilized.
- As electronic control devices can ignite flammable substances the Taser shall not be used on subjects, unless deadly force is justified, that have come in contact, known or implied, with flammables or in areas where flammables are obviously present.
- Taser shall not be used when OC has been deployed on subject.

FOLLOW-THRU AFTER DEPLOYMENT
As with any use of force incident the follow-thru procedures from the Patrol Use of Force Policy shall be followed. In addition, the following procedures shall be followed after the deployment of the Taser:
- Once the subject is stabilized and restrained the Taser shall be turned off (safety on).
- Unless threat assessment of the subject indicates continued active resistance or physical violence by the subject the cartridge shall be removed from the Taser or the wires shall be disconnected from the probes.
- When the Taser is used on a subject, officers will ensure that proper medical care is provided to the subject whether probes were deployed or the Taser was used in touch-stun mode. Officers must offer medical treatment or exam to the subject. If a request for medical treatment is made the subject shall be transported to a medical facility as soon as practical.
- For subjects exposed to multiple Taser cycles, it is recommended that they be examined by medical personnel.
- Officer will remove the probes if situation permits and the probes checked to make sure the probes are not broke off.

- Probes located in sensitive areas such as the face, neck, groin, and breast shall be removed by medical personnel as soon as practical.

- Officers removing probes shall practice universal precautions against blood borne pathogens. If possible, officers will provide first aid following removal of the probes with alcohol/antiseptic wipes and adhesive bandages.

- Once the probes have been removed, they shall be treated as bio-hazard “sharps” and placed point down into the expended cartridge and sealed with tape. The deploying officer shall place their initials and badge number on the tape.

- The officer should attempt to locate the expended micro dots (AVIDS) dispersed during firing.

- Photographs shall be taken of the probe and touch-stun sites, as soon as is practical. There are many opportunities to accomplish this task and photographs can be gained at many points during contact.

- The photographs, expended cartridges with probes, and micro dots shall be entered into evidence.

- If the subject is turned over to detention facility, another officer, or medical personnel/facility, these personnel shall be informed that the Taser was used.

**HANDLING/STORAGE**

The following procedures for handling and storage shall be followed:

- Tasers will be stored in the radio room and numbered according to Taser and storage location

- Officers storing or carrying the Taser must keep the safety in the “safety on position” and in a secure holster

- Officers will check the Taser before the start of each shift to insure the unit is charged and inspect the Taser and cartridges for damage. Officers shall advise a supervisor, or Taser Trainer, if the Taser or cartridges are damaged.

- Officers will ensure that the cartridge doors are free of debris and damage. Expired or damaged cartridges will be turned over to a supervisor or Taser Trainer and may be used for training only.

- An inventory log of cartridges will be maintained. The log will indicate the number of cartridges on hand, date/time they were discharged.

- Officers will not write on or attach anything (i.e. stickers, tape, etc.) to the Taser or cartridge (Except for evidentiary purposes).

- The Taser should not be stored in the trunk of a squad car. The Taser should not be exposed to extreme heat or freezing temperatures for prolonged periods of time.
Officers will contact their supervisor in a timely manner to advise them that they discharged the Taser, even if the discharge was accidental.

As with any use of force incident, a detailed report, as well as, a Use of Force Report Form shall be completed, as directed in the departments Use of Force Policy to record the circumstance, deployment, follow-thru procedures, and documentation of evidence.

**DISCLAIMER**

This policy is for internal use only and is not intended to increase an officer’s/jailer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care with respect to third party claims of any kind. Violation of this policy may form the basis for departmental administrative action, but such action is not intended for use in courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: USE OF SPECIALTY IMPACT MUNITIONS

SCOPE: ALL DEPARTMENT PERSONNEL

DISTRIBUTION: POLICY & PROCEDURE MANUAL

POLICY
The use of specialty impact munitions, commonly referred as “less than lethal projectiles” when used properly, have the potential to save officers, innocent civilians, and subject(s) from serious injury or death. Specialty impact munitions are generally used when there is the possibility to save the subject(s) life when deadly force may be justified but there is no immediate threat of injury or death to the officer(s) or civilian(s). To reduce the potential of serious injury or death to the subject(s), only qualified officers shall deploy specialty impact munitions. The use of specialty impact munitions shall be closely supervised and only be used in situations to meet the operational objectives of the division.

PURPOSE
The purpose of this policy is to establish guidelines in the following area of specialty impact munitions:
- Authorization
- Justification/Deployment
- Training
- Handling/Storage
- Documentation

DEFINITIONS
- **Deadly Force**: The intentional use of a firearm or other instrument, the use of which would result in the high probability of death.
- **Justification for Deadly Force**: Behavior which justifies your use of deadly force is that which has caused, or imminently threatens to cause, death or great bodily harm to you, or another, or the community at large.
- **Specialty Impact Munitions**: A projectile, when properly used, provides a less than lethal alternative to gain control of a subject(s). Types of projectiles range from the 12 gauge bean bag round, 37mm/40mm (foam baton, wood baton, rubber pellets) and rubber ball grenades.

AUTHORIZATION TO USE SPECIALITY IMPACT MUNITIONS
Only personnel who have successfully completed a departmentally approved training course and maintained annual refresher training may deploy specialty impact munitions.
JUSTIFICATION
Specialty impact munitions shall only be used to meet law enforcement objectives.

Specialty impact munitions basically fall under “intermediate weapon” on the Force Option Continuum. When to use specialty impact munitions should be based on whether deadly force situation may exist but the officer or civilian is not under the immediate threat of injury or death. The Holmen Police Department will use the 12 gauge kinetic energy projectile specialty impact munitions.

Situations justifying the use of specialty impact munitions include, but not limited to:
- Subject armed with a weapon but not all 3 elements for imminent threat for deadly force to exist not present (intent, weapon, delivery system).
- Crowd control during civil disturbance.
- Gain control of violently resisting person(s) when lower measures of force prove ineffective or clearly would be ineffective given the tactical considerations of the situation.

NOTE: Specialty impact munitions should never be used to substitute department firearm to administer justified deadly force. Lethal back-up must be present before deploying.

DEPLOYMENT
When deploying for a situation that calls for specialty impact munitions, officers should utilize team tactics such as contact cover principle. In potential deadly force situations the less than lethal weapon officer shall have a cover officer armed with a firearm.

After specialty impact munitions have been deployed and control of the subject has been gained, officers shall follow the Use of Force Policy guidelines for Follow Thru Considerations.

HANDLING/STORAGE
Under no circumstances will any person be authorized to tamper with or alter in any manner, any specialty impact munitions.

12 gauge specialty impact rounds shall only be used with 12 gauge shotguns designated to fire the 12 gauge specialty impact munitions. Under no circumstance lethal ammunition will be stored or mixed with 12 gauge specialty impact munitions. This includes whether it’s in the weapon, sling, or storage container.

Specialty impact munitions shall be stored separately from lethal ammunition.

Less Lethal ammunition will be packaged by certified instructor only.

Upon receiving any munitions, the person actually deploying them is ultimately responsible for ensuring that these munitions are “less than lethal” and used in accordance with department policy.

Specialty impact munitions that fail to fire or misfires shall be recovered, rendered safe by soaking the munitions in a bucket of water for 24 hours. Notify supervisor. Do not return the munitions to current inventory.

TRAINING
Initial specialty impact munitions certification training will consist of a minimum 8 hour session. Objectives of the class will be as follows:
- How to select and identify special impact munitions (SIM’s).
- Identify the proper identification between a lethal munitions and SIM’s.
- Identify the physiological and psychological effects of using SIM’s.
- Identify the different target areas when deploying SIM’s.
- Demonstrate proficiency in engaging specific target areas.
- Identify and explain basic criteria for implementing a plan to use SIM’s.
To maintain certification officer shall participate in annual refresher training.

**DOCUMENTATION**
As with any use of force incident, a detailed report shall be completed as directed in the departments Use of Force Policy (#1-2).

**DISCLAIMER**
This policy is for internal use only and doesn't enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
Policies & Procedures
HOLMEN POLICE DEPARTMENT

SUBJECT: DEPARTMENT FIREARMS
NUMBER 1.8

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

POLICY
A Law Enforcement Officer’s firearm is perhaps the most commonly perceived symbol of his/her authority and role. The firearm has the potential, when used properly, to save officers, innocent civilians and community from the threat of great bodily harm or death when the actions of a subject(s) warrant the use of deadly force. The decision-making procedures when to use a firearm are covered in the Use of Force Policy #1-1.

It is the policy of this department that issued firearms shall only be used by an officer when it meets law enforcement objectives and department sponsored training. Before an officer can use or carry a weapon, the officer must have received training and met department qualification standards for that weapon. Officers that receive approval from the Chief to carry personal off-duty or back up weapons, must also meet department qualification standards for that weapon and have that weapon registered with the department.

Officers are responsible for the maintenance of department issued weapons. The weapons shall be clean and functional for each shift assignment. Any critical malfunction of a weapon must be reported to a supervisor or firearms instructor.

Officers are responsible for the safe handling of all weapon systems in their possession. Weapons will be loaded in accordance with this policy.

Any discharge of a firearm, whether it was unwanted, caused property damage or caused injury/death shall be reported to a supervisor and a report shall be written. During training exercises, any discharge of a firearm, which causes property damage, injury or death, shall be reported to a supervisor and a report shall be written. When discharging a firearm in the humane dispatch of an animal, Dispatch will be notified and a Weapon Discharge Report filed. Any investigation or review will follow the guidelines set forth in the Use of Force Policy #1-1.

PURPOSE
The purpose of this policy is to establish guidelines in the following areas of Department issued firearms and off duty/backup personal weapons:
- Authorization to use or carry
- Weapon safety
- Maintenance and storage.
- Weapon loading
- Training
- Inventory
- Documentation
DEFINITIONS

- **Firearm**: A weapon that fires a projectile with the use of gunpowder.

- **Law Enforcement Objective**: Action taken by an officer that is in accordance with State, County, Municipal and applicable Federal law. In the case with the use of firearms, it would be situations where the officer anticipates the use of a firearm whether it be a burglary alarm, high risk traffic stop, bank alarm, subject armed with a dangerous weapon etc…

- **Law Enforcement Certified Officer**: Any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances, and who is authorized to make arrests for violations of the laws or ordinances the person is employed to enforce. For the intent of this policy, the officer must meet the State of Wisconsin Training and Standards basic certification standards and the Holmen Police Department qualification standards.

- **Qualified Officer**: An officer who has met qualification standards on a particular weapon system.

- **Unloaded**: Means having no ammunition in the chamber of a firearm and no magazine in the pistol, no ammunition in the magazine tube of a shot gun or rifle and no ammunition in the cylinder of a revolver.

- **Unwanted Discharge**: When the firearm unexpectedly discharges.

AUTHORIZATION TO USE/CARRY DEPARTMENT AND NON-DEPARTMENTAL FIREARMS

*Note: The intention of this section is to insure Holmen Police Department Personnel are qualified in the handling, function, marksmanship, decision-making and maintenance of the available weapon systems that may be issued to them. However, in an extreme crisis and if the situation warrants it, a supervisor may allow an officer the use a weapon system that officer has not received training with. At the time of issue a qualified officer shall give immediate instruction on the basic functions of the weapon (safety features, loading/unloading, caliber considerations).*

DEPARTMENT ISSUED HANDGUN-

- The Holmen Police Department will issue each officer an approved handgun.
- Only sworn personnel that meet departmental qualification standards may carry a department issued weapon with final approval from the Chief.
- Once approval has been granted, the officer may also carry off duty in concealed manner, however, the officer shall carry department picture ID and badge.

NON-DEPARTMENT ISSUED PISTOL/FIREARM- Only Law Enforcement certified officers can carry a personally owned firearm as a backup or off-duty concealed weapon in a law enforcement capacity, but only after the following conditions are met:

- The officer must have met department qualifications for the department issued pistol.
- The officer must submit a written request to the Chief for approval. The request shall indicate the make, model, serial number and caliber of the firearm as well as the type of ammunition, which should be used.
- Officer must qualify with that firearm.
- Officer must meet annual qualification standards for department issued pistol and non-departmental firearm.
- Officers must supply their own ammunition. Ammunition comparable to approved ammunition may be used for qualification and training.
- Officers are responsible for the costs incurred for care, cleaning, repairs and security of their non-department firearm.
- Firearm shall be secured in department approved manner.
- When off duty and carrying an off duty-duty firearm, the officer shall carry department picture ID and badge.
DEPARTMENT ISSUED SHOTGUN- The Holmen Police Department utilizes several types of shotguns in various types of law enforcement capacities. Only sworn personnel that have received department training and met annual qualification standards can use Holmen Police Department shotguns.

DEPARTMENT ISSUED SHOTGUNS DESIGNATED FOR SPECIALTY IMPACT MUNITIONS- Shotguns designated for specialty impact munitions (less lethal) shall only be used by officers certified in the use of specialty impact munitions (policy #1-4).

DEPARTMENT ISSUED RIFLE- The Holmen Police Department will issue approved rifles. Only sworn personnel that have received department training for approved rifles and met annual qualification standards may use a department issued rifle.

WEAPON SAFETY

Though the Holmen Police Department has different types of firearm systems, these basic safety rules shall be followed:

Note: It is the policy of this department, that law enforcement personnel maintain absolute sobriety and not be under the influence of alcohol or medication while being armed with a firearm. This applies whether the officer is on or off duty (carrying a concealed weapon pursuant statute 941.23).

• Never point a firearm at something that is not safe to shoot or does not meet authorized law enforcement objectives.
• When loading or unloading, make sure the firearm is pointed in a safe direction.
• Store or secure firearms so that children or unauthorized personnel cannot gain access to. When storing weapons at home, it is recommended that the cable lock issued with department issued pistol be used. Firearms should be stored unloaded with ammunition locked in a separate location. The Holmen Police Department also advocates the use of gun safes.
• Unless a Law Enforcement objective requires it, never shoot at water or a hard surface.
• Know the safety features of the firearm you are using, but remember: Safety devices are not a substitute for safe handling procedures.
• Properly maintain your weapon.
• Use proper ammunition. It is your responsibility to insure your weapon is loaded with the correct ammunition and loaded in accordance with this policy.
• If firearm fails to fire, keep firearm pointed in safe direction and follow trained malfunction drill.
• During any department sponsored shoot using live ammunition, or in conjunction with other agencies shoot for training purposes, eyes, ears, and body armor will be worn. If anyone wants to shoot off duty on their time not sponsored by the department, body armor eyes and ears are encouraged but that will be left up to the individual officer(s).
• Never run or climb over/under obstacles with your finger on the trigger of the firearm. It is also recommended that the handgun be holstered, unless actively engaged in a shoot situation.
• There shall be no horseplay with firearms.

MAINTENANCE AND STORAGE

Officers are responsible for the care, cleaning, and security of department weapons issued to them. Daily squad checks on each shift shall be conducted to insure that the squad is properly equipped and that the assigned firearms are clean, functioning, and properly loaded. There shall be no tampering with department firearms. The following procedures shall be followed:

• Holmen Police Department issued pistols shall be cleaned and inspected on a regular basis. At the minimum the pistol should be cleaned every 2 weeks. However, should the pistol become exposed to wet or dirty conditions due to weather or otherwise, the pistol shall be cleaned that day.
• All officers are responsible for the cleaning and maintenance of firearms issued or assigned to them.
• Any firearm found to be in poor condition and/or malfunctioning should be reported to there a supervisor or firearms instructor immediately.
• No officers will modify or alter any department firearm unless prior approval has been received from the Chief or Lieutenant.
• With written approval from the Chief or Lieutenant, market products that improve grip or accommodate hand size may be used. The grips, however, must not interfere with the normal function of the handgun.
• The Chief or Lieutenant shall conduct monthly inspections of officers duty issued firearm, to include any authorized non-department firearm, along with squad firearm inspection.

CLEANING OF FIREARMS- The following procedures shall be followed when cleaning department firearms, whether it be at the range or at the Holmen Police Department:
• The firearm safety should be on (if equipped). Firearm pointed in safe direction.
• The firearm shall be unloaded. This includes magazines, rounds in shotgun magazine tube, slings, stock slings, rounds on person, etc..
• The firearm shall be visually and physically inspected to insure that it is unloaded.
• There shall be no ammunition on the cleaning table or bench where the firearm is being cleaned. It is recommended that ammunition be stored in lockers when cleaning at the Holmen Police Department.
• When conducting a function test, no ammunition shall be loaded into the firearm and function test will be conducted in a safe location.

AMMUNITION MAINTENANCE- Firearm ammunition shall also be inspected on a regular basis. Ammunition that is damaged or corroded should be replaced immediately. Damaged or corroded ammunition should then be turned over to a supervisor or firearms instructor for disposal. Ammunition should be rotated at least once per year, if not more through training. Ammunition in pistol magazines should be rotated frequently to avoid the same round being loaded and unloaded into the chamber at beginning and end of shift assignments.

WEAPON LOADING
The Holmen Police Department will supply duty and training ammunition for the department issued firearms. When loading and unloading a firearm, the general safety rules shall be followed. No one is to tamper with ammunition or load spent cartridges into a firearm that is being used for shift assignments.

DEPARTMENT ISSUED HANDGUN-
• Only Holmen Police Department approved duty ammunition shall be loaded in officers duty pistol when pistol is used in law enforcement capacity.
• The Holmen Police Department will supply training ammunition for in-service and in-house training sessions.
• With prior approval from Chief, Lieutenant, or firearms instructor, Officers may use department ammunition for training on their own time.
• Pistols shall be administratively loaded and unloaded per training guidelines.
• When on duty, pistol magazines will be loaded to capacity and a round in the chamber.

NON DEPARTMENTAL FIREARM-
• Firearm shall be administratively loaded and unloaded.
• Firearm when carried in law enforcement capacity shall be loaded to capacity and a round in the chamber.

DEPARTMENT ISSUED SHOTGUN-
• It is the policy of the Holmen Police Department that the shotguns be loaded with a minimum of 5 – 1 oz. slugs in the magazine tube and a box of 00-buck in the glove box
• Shotguns shall be administratively loaded and unloaded per training procedures.
• Shotguns will be stored in a condition commonly called “squad ready”, in which, the bolt will be locked forward on an empty chamber, safety on. When chambering a round you must push the action bar lock to cycle the action. **Under no circumstances should the trigger be pulled to release the action.**

• **No rounds shall be loaded into the chamber** until the shotgun is needed for a law enforcement objective.

• When the weapon is returned to the squad the round shall be emptied from the chamber and the shotgun will be made “squad ready”.

• **It is each officer’s responsibility to inspect your squads’ shotgun at the beginning of your shift to insure it is properly loaded.**

• Should you find a shotgun that is not properly loaded it should be reported to your supervisor or a firearms instructor.

DEPARTMENT ISSUED SHOTGUNS DESIGNATED FOR SPECIALTY IMPACT MUNITIONS- Shotguns designated for specialty impact munitions shall be maintained in accordance with **Policy #1.4 Use of Specialty Impact Munitions.**

DEPARTMENT ISSUED RIFLE-

• The rifle shall be stored “squad ready” with the breech closed, no round in the chamber and the safety on. Magazines will be loaded two (2) rounds less than maximum capacity and may be inserted in the magazine port or stored in the gun case.

• Should you find a rifle that is not properly loaded, it should be reported to your supervisor or a firearms instructor.

TRAINING

All Law Enforcement personnel authorized by the Chief are required to participate in annual firearms qualifications for each of the weapon systems they are authorized to utilize. Qualification standards will be scored using pass / fail criteria. Officers that do not pass will have an opportunity to re-qualify within 2 weeks, after receiving remedial instruction. Officers who do not qualify the 2nd time are subject to retraining, loss of use of that particular weapon system and possible disciplinary action by the Chief. The Training Supervisor or his/her designee(s) will maintain training records.

INVENTORY

A designee by the Chief shall maintain inventory records of firearms and ammunition utilized by the Holmen Police Department. The inventory shall include the following:

• Log book divided into section for each category of firearms.

• Log sheets indicating make, model, serial number.

• Log will also include activity of firearm: officer assigned, squad assignment, location, repair history.

• Ammunition inventory

• Record of Non-Department authorized weapons, requests and qualification status.

DOCUMENTATION

As with any use of force incident, a detailed report shall be completed as directed in the departments **Use of Force Policy (#1-1).**

DISCLAIMER

This policy is for internal use only and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care, with respect to third party
claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in civil or criminal cases.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: FIREARMS REGULATIONS & PROFICIENCY  NUMBER 1.9

SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED  03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

PURPOSE

The purpose of this document is to establish a policy to regulate the use of firearms and ammunition by sworn personnel of the Holmen Police Department. The procedures for training officers in the use of firearms and testing their proficiency with firearms will also be addressed in this policy.

POLICY

It is the policy of the Holmen Police Department that officers shall only utilize firearms that have been approved for use, are mechanically sound, and are properly maintained. Only firearms that have been registered with the Holmen Police Department, inspected for serviceability, and with which an officer has demonstrated proficiency may be used, on or off duty, by officers pursuant to their authority as a law enforcement officer.

Certified instructors of the Holmen Police Department will establish handgun and shotgun training and qualification programs for the department, maintain records of same and ensure adequate supplies for these programs. Training programs shall include instruction pertaining to the appropriate use of force and deadly force, as well as the actual use of firearms.

DISCUSSION

Firearms are a necessary piece of equipment for all police officers. Proper training and demonstrated proficiency are necessary to ensure the safety of officers and the public should an officer be forced to use a firearm.

DEFINITIONS

A. Duty Firearm: An officer's primary firearm, which is owned by the Village of Holmen, shall be the weapon each officer will be currently qualified with.

B. Secondary Firearm: A secondary firearm is one owned by the officer. The officer may carry this firearm on duty, in addition to his/her duty firearm. Handguns carried off duty should be easily concealed and if used for both on and off duty the firearm must be registered with the dept. and the officer must qualify with it.
I. PROCEDURE

A. Firearms Instructor
1. The Chief of Police will have certified firearms instructors for the department.
2. The Firearms Instructor(s) shall be responsible for:
   a. Instructing and testing officers’ knowledge of the lawful use of force, including deadly force.
   b. Establishing a procedure for firearms qualification and training of all sworn personnel to ensure proficiency in the safe handling and use of firearms.
   c. Registration, physical inspection and repair of all department issued firearms.
   d. Maintaining records of firearms training for all sworn personnel
   e. Maintaining adequate supplies for department firearms training

B. Authorized Firearms
1. Sworn officers shall only utilize firearms which have been authorized, registered and approved by the Firearms Instructor(s) and Chief of Police for on duty use when exercising their authority as a law enforcement officer. Officers wishing to utilize a firearm not currently authorized for use by the department may submit a request to the Chief for approval of the firearm. This policy does not regulate the use of privately owned firearms by sworn personnel for non-law enforcement activities such as hunting, recreational or other sporting activities.
2. Officers who are currently qualified with a firearm through the department may utilize any firearm of the same type that is currently registered with the department.
3. Duty Firearms
   a. All Sworn Personnel: Sworn personnel will be issued a firearm approved for use by the Chief of Police.
   b. Non-Uniformed Personnel: Non-uniformed personnel may elect to use a secondary firearm which has been approved for use by the Chief of Police as their duty firearm for non-uniformed duties. These personnel must still maintain and qualify annually with a duty firearm meeting the criteria of paragraph a. (above) and shall utilize this firearm whenever performing duties in uniform.
4. Secondary Firearms
   Officers may carry a secondary firearm in addition to their duty firearm while on duty, or may carry their duty firearm or secondary firearm while off duty, providing the officer meets the following criteria:
   a. Secondary firearms must be approved and registered by the firearms instructors or the Chief of Police.
   b. The officer qualifies yearly with the secondary firearm(s).
5. Shotguns
   a. The department maintains department owned shotguns for use on duty. When the shotgun is removed from the squad, it shall remain in the officer’s possession at all times.
6. Patrol Rifle
   a. Officers may use on-duty department approved rifle. It must be of a style, caliber and make approved by the Chief. Minimum initial training must be completed prior to approval.
   b. Officers may carry a personally owned rifle so long as its use is approved by the Chief. Qualification will be the same as department issued rifles.

   1. Personal rifles must be cleaned monthly and inspected by the dept. armorer. Additionally personal rifles will be armored yearly by the department
   2. Damage done to personally owned rifles on duty will be the responsibility of the department so long as the damage is not caused by negligence or

1.9 FIREARMS REGULATIONS & PROFICIENCY
improper use of a weapon. Normal wear to parts and damage due to negligence is the responsibility of the owner of the firearm.

C. Ammunition
1. The Firearms instructor(s), subject to the approval of the Chief of Police, shall select ammunition to be issued and/or authorized by the department based on the ammunition’s ability to afford a strong probability of incapacitating a suspect without an unreasonable hazard of over-penetration and/or ricochet. The types of ammunition authorized for use shall be specified.
2. Only ammunition issued or authorized by the department shall be utilized by officers in firearms carried pursuant to their authority as law enforcement officers.
3. Ammunition for duty, qualification and department-sponsored training for firearms using a department issued firearm shall be provided by the department. Officers who elect to use an approved secondary firearm shall be required to provide their own ammunition. The type of ammunition is still subject to the approval pursuant to the criteria of paragraph 1 above.
4. Ammunition for on- and off-duty use will be replaced with new ammunition annually, whether issued by the department or at the officer's expense. Ammunition of the type issued by the department will be provided by the department for all training and qualification. Ammunition authorized by the department but provided by the officer will be provided by the officer for all training and qualification.
5. Whenever an officer wishes to utilize a firearm or ammunition not currently authorized by the department, the officer must submit a request that the firearm and/or ammunition be evaluated by the Firearms instructor(s). The Firearms instructor(s), subject to the approval of the Chief of Police, will evaluate the proposed firearm and/or ammunition for quality, reliability, safety and ability to perform its intended function.

D. Firearms Qualification and training
1. The Firearms instructor(s) shall conduct ongoing training for all department issued firearms. All training will consist of skills testing and qualification courses of fire.
2. All sworn personnel shall demonstrate proficiency with firearms by qualifying with each firearm they are required or elect to use on or off duty.
   a. Secondary Firearm: All personnel who elect to carry a secondary firearm shall qualify annually with their secondary firearm(s). A training date(s) will be set by a firearms instructor for qualification of secondary firearms. Officers will attend this training on their own time or while on duty.
   b. Additional Secondary Firearm: Officers who wish to qualify with and be authorized to use more than one secondary firearm shall be required to make arrangements for an annual qualification and inspection of these firearms with the Firearms instructor(s).
3. Firearms Proficiency Standards
   a. All live fire courses are considered qualification courses of fire. Officers must show proficiency to pass all qualification courses of fire.
   b. The qualifying course of fire for handguns may vary to cover as many possible situations or conditions the officer may confront.
   c. The qualifying course of fire for shotguns and rifles will also cover as many situations and conditions as possible.
4. When qualifying with Department, issued handguns, officers shall wear the duty equipment normally worn for duty by the officer.
5. All sworn personnel shall qualify with their designated duty firearm. Officers who fail to demonstrate minimum proficiency with their duty firearm shall immediately receive remedial training and shall re-fire the qualification course the same day. If the officer still
does not qualify with his/her duty firearm, the officer shall be assigned administrative duties pending additional remedial training and until such time as the officer qualifies with his/her duty firearm. The officer will not be allowed back on the street until he/she is qualified. Disciplinary action may be taken for failure to attain minimum firearms qualification standards with an officer's duty firearm.

6. Officers who do not qualify due to scheduling conflicts, or who cannot qualify due to a weapon's malfunction, shall continue in their present duty assignment. Arrangements shall be made with the Firearms instructor(s) to qualify as soon as possible.

F. Off-Duty Use of Firearms
1. Officers are prohibited from carrying firearms when:
   a. The officer's mental or physical capabilities have been impaired by the use of alcohol, medications or a combination thereof; or
   c. The officer anticipates his/her mental or physical capabilities may become impaired by the use of alcohol, medications or a combination thereof.

2. When carrying a handgun off duty, the officer will have on them a department issued badge and identification card.

G. Care and Maintenance of Firearms
1. Care and maintenance of firearms, whether owned by the department or the officer, is the responsibility of the officer using the firearm. Annual inspection of department-owned firearms will be the responsibility of the department. Annual maintenance of any personally owned firearms is the responsibility of the officer. Verification of this must be turned in annually. If the department has a certified armorer for the officer’s personal firearm, the department may provide annual maintenance. Routine maintenance and cleaning should occur frequently to insure the firearm is mechanically operational. Any malfunction or damage to a department-owned firearm shall be reported to the Firearms instructor(s) immediately.

2. Firearms instructors shall inspect firearms during training and qualification to insure the firearms are not altered, damaged or unserviceable for any reason. Firearms found to be altered, damaged or otherwise unserviceable shall not be utilized for on- or off-duty use until they have been repaired.

3. There will be no unapproved markings of any kind placed on the duty weapons or accessories. Magazines may be inconspicuously marked; however, the mark must not be permanent.

4. Firearms damaged in the line of duty will be repaired or replaced by the department, provided the firearm was properly registered and the officer currently qualified with the firearm when the damage occurred.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: ARREST PROCEDURES

SCOPE: ALL DEPARTMENT PERSONNEL

DISTRIBUTION: POLICY & PROCEDURE MANUAL

PURPOSE
This order 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
A. **Arrest**: Depriving a person his/her liberty by legal authority for a civil, or criminal law violation.
B. **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.
C. **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.
D. **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.
E. **Search** - The feeling/touching of garments of a person taken into custody for the purpose of locating weapons, evidence, or personal property.
F. **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.
G. **Hot Pursuit** – Pursuit of a suspect from the scene of a crime.

ARRESTS - GENERALLY
In order 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:

1. 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.)
2. Inform the subject that s/he is under arrest.
3. Restrict the arrested subject’s movements as required, using only force necessary to overcome any resistance by the person being arrested.
4. 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.
ARRESTS WITH A WARRANT
Law enforcement officer may arrest a person when any of the following exists:
1. Have probable cause to believe a warrant for the person’s arrest has been issued in this state.
2. 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.
3. 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.
4. As soon as practicable after arresting on a warrant, the officer shall inform the person of the reason for the arrest. If the officer has the arrest warrant in his/her possession, the officer should read the warrant to the person.

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
   1. 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 does not include minor traffic offenses. Welsh V. Wisconsin) Exigent circumstances include:
      i. The immediate threat of escape;
      ii. The immediate threat of destruction of evidence;
      iii. The immediate threat of death or great bodily harm to the officer or another.
      iv. Hot pursuit
      v. Fleeing Felon
      vi. 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.

FORCIBLE ENTRY (Non Exigent Circumstances)
A. When forcible entry is required in the effect of an arrest, officers shall perform the following:
   1. Make a reasonable attempt to contact the on-duty shift commander
   2. Locate and control all persons and property, which might potentially serve as a weapon
   3. Photograph damage occurring as a result of the forced entry; complete a detailed report describing same.
   4. Make reasonable efforts to contact the owner and secure the property to prevent further damage/loss.

SEARCH INCIDENT TO A LAWFUL ARREST
A. WI ss. 968.10(1), authorizes officers to conduct searches “incident to a lawful arrest.”
C. “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 or vehicle the person was in 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.
D. “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.
E. WI ss. 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.

F. 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.

G. If the area within "E" above includes a motor vehicle, the search may include the passenger compartment of the vehicle when the subject is still present at the scene.
   a. Search may include a locked/unlocked glove box/containers if present in the passenger compartment.
   b. Search may not extend to the trunk unless the trunk is readily accessible from the passenger compartment of the vehicle or unless the search is supported by probable cause to search.

H. Officers are not authorized to conduct searches of routine traffic violators who are merely issued citations and subsequently released without being taken into physical custody unless a "Terry-type" frisk or other exception to the search warrant requirement is present. Persons taken into physical custody for traffic violations, even if only temporarily such as to post bond are subject to search incident to a lawful arrest.

I. Protective Sweep: 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.

STOP AND FRISK
Wis. 968.24 & 968.25, an officer may stop a person and conduct a limited search of that person if/when:
1. 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. Refusal to answer the officer's questions in itself is not "obstructing an officer." If no further acts lead the officer to probable cause for arrest, the person must be released.
2. When stopping a person for temporary questioning and reasonably suspecting that s/he or another, is in danger of physical injury, s/he 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 s/he reasonably believes may constitute the commission of a crime, or which may constitute a threat to his/her safety, s/he may take and keep it until the completion of the questioning, at which time the officer shall either return it or arrest the person.

STRIP SEARCHES
1. Strip searches will only be conducted pursuant to Wis. 968.255 in instances where high probability of weapons, contraband, or evidence of the crime for which s/he is detained would be present on the detained person’s body. No person may be the subject of a strip search unless s/he is under arrest. Refer Policy & Procedure 8.4

DETERMINING CRIMINAL CHARGES OR CIVIL FORFEITURE
A. The arresting officer should consider the following factors: injury to persons, extensive property damage, violence or threat of violence, prior record of the offender indicates a continuing pattern of deviant behavior, and/or the offender’s attitude.
B. The decision to charge a person will not be based upon the offender’s race, creed, color, or sex.
C. Cases should not be referred for prosecution unless sufficient evidence.
ALTERNATIVES TO ARREST  See Policy & Procedure 4.2 regarding Use of Discretion

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 be 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.

C. 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 Municipal Forfeitures: The forfeiture/deposit amount for ordinance violations shall be in accordance with the current Deposit Schedule as set by law and the courts.

D. RELEASE FROM CUSTODY (NON-FELONY ARRESTS)
   a. Persons arrested for a forfeiture shall be released from custody without a cash bond if they:
      i. Have a valid WI driver's license or show sufficient evidence of ties to the community; or
      ii. The officer is satisfied that the accused will make court appearances.
      iii. By direction of the Court.
   b. Persons arrested for a misdemeanor shall be released from custody without cash bond unless:
      i. Does not have proper ID, refuses to identify him/herself, or refuses to submit to booking procedures authorized under WI ss. 165.83.
      ii. Appears to represent a danger of harm to him/herself, another person or property.
      iii. Not a Wisconsin resident.
      iv. Cannot show sufficient evidence of ties to the community.
      v. Accused has previously failed to appear in court or failed to respond to a citation.
      vi. Arrest/detention is needed to carry out legitimate investigative action in accordance with policy.
   c. All persons not released for 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 or written standing orders issued by a judge(s) of the County of La Crosse.
   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. S.S. 969.07 and 970.01.

E. RELEASE FROM CUSTODY (FELONIES)
   1. Persons arrested for felonies do not necessarily have to be incarcerated. In deciding to hold/release an arrested felon, consideration should include, but not be limited to:
      i. Seriousness of the offense.
      ii. Seriousness of bodily injury to victim(s).
      iii. Previous criminal record of the arrestee.
      iv. Danger posed to others.
      v. Likelihood of fleeing to avoid prosecution;
vi. As directed by written judicial orders.

2. Further investigative requirements (i.e. line-ups, handwriting samples, bodily fluids, hair samples, etc.).

F. MANDATORY INCARCERATION. 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.

G. Persons held in custody for other agencies may be: transported to the jail or turned over to the issuing agency.

JUVENILES Refer to Policy & Procedure 4.8

REPORTS

1. Every arrest situation shall be assigned an incident number.
2. A report shall be completed to document every arrest situation.

Chief of Police
Shane Collins
1. PURPOSE AND SCOPE
This order establishes procedures for conducting strip searches. See WI ss. 968.255 governing such searches.

2. DEFINITIONS

A. Detained: arrested for a felony or the following misdemeanors:

1. 167.30 Use of Firearms near Park
2. 940.19 Battery
3. 940.20(1) Endangering Safety-Dangerous Weapon
4. 941.23 Carrying Concealed Weapon
5. 941.24 Possession of a Switchblade
6. 948.60 Poss. of Dangerous Weapon by Child
7. 948.605(2)(1) Poss. of Firearm in a School Zone
8. 948.61 Dangerous Weapon in a School Zone
or, under Juvenile code any violation if committed by an adult would be in the above list; arrested for a violation and IF there is probable cause to believe the person is concealing a weapon or anything that may be evidence of the offenses such person is detained for.

B. Strip Search: a search in which a detained person's genitals, pubic area, buttocks/anus, or a female's breasts are uncovered AND exposed to view or touched by a person conducting a search.

C. Body Cavity Search: a search in which a detained person's vagina and/or anus are probed.

3. PROCEDURES
A. Restrictions:

1. Searching persons must be of the same sex as the offender unless they are a physician, nurse or assistant. The detained person is not exposed to a person not doing the search unless they are a physician, nurse, or assistant. The search is not reproduced through video or audio.

2. ONLY a physician, nurse or assistant may conduct a body cavity search. No Department members are allowed to conduct body cavity searches; however, a member of the same sex as the suspect may stand by while medical staff performs the search.

B. Permission must be obtained in writing from the Chief of Police or Lieutenant prior to conducting a strip/body search except when there is probable cause to believe that the detainee is concealing a weapon. All strip/body searches conducted as a result of a police investigation shall be documented via a general report and reviewed by his/her supervisor.

C. Factors to consider prior to authorizing a strip/body cavity search:
   b. Does the person have a criminal record?
   c. Reasonable suspicion to believe person has contraband, drugs or weapons.
   d. Length of time person may stay in custody.
   e. Is the person being held alone or with others?
   f. Did the person resist arrest or was s/he violent?
   g. Does the person have a history of violence, contraband or drugs?
   h. Is the person a danger to him/herself or others?
   i. If applicable, prior to authorizing a strip/body cavity search a Search Warrant should be considered.

D. Physically Disabled Persons:
   1. The removal of an assistive device requires the aid of a person who has had training in handling physically disabled persons; this type of search requires extreme care and strict conformance with Department orders.

E. An opinion of the Attorney General advises that the mouth, ear and nose are not body cavities envisioned by the statutes, but extreme care should be exercised in searching these areas.

F. Failure to strictly conform to the statutory requirements and Department orders carries the same penalty and liability as an unlawful strip search.
Shane Collins
Chief of Police
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: SEARCH & SEIZURE
NUMBER: 1.12

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

PURPOSE
Establish guidelines for conducting searches and seizures by departmental personnel to include situations such as search by consent, stop and frisk, search of a vehicle under moveable vehicle exception, crime scene, exigent circumstances, inventory searches and other situations authorized by state and federal constitutional provisions. Provide guidelines for conducting such searches/seizures that have not been reviewed by judicial personnel. Adherence to guidelines will ensure the admissibility of evidence & protect the rights of citizens to be free from unreasonable searches/seizures.

POLICY
Officers shall observe the rights of citizens under the State/Federal Constitutions to be secure in their person, houses, papers and effects against unreasonable searches/seizures. Officers conducting searches/seizures shall comply with all constitutional/statutory laws. Searches/seizures shall be accomplished pursuant to a valid warrant obtained upon probable cause except searches/seizures may be accomplished under clearly recognized exceptions to the warrant requirement. Officers conducting searches/seizures, with/without a warrant, shall show due regard for the rights, welfare and property of the citizens involved.

DEFINITIONS
A. Frisk: A limited pat-down search for weapons occurring during a valid investigative stop in which the officer reasonably suspects that the person stopped poses a threat of injury to the officer or others.
B. Lawful arrest: For the purpose of a search incident to an arrest, means any arrest action to include the issuance of a citation or summons if the person is taken into physical custody.
C. Protective Sweep: A quick and limited search of premises, incident to an arrest or the conduct of a search, to protect the safety of police officers or others. It is confined to a cursory visual inspection of those places in which a person might be hiding.
D. Search: An examination of a person, place or object, including motor vehicles, with the intent of discovering contraband, evidence of a crime or the fruits of a crime, to be used in the prosecution of a criminal action.
E. Seizure: The taking of a person or physical piece of evidence, including a motor vehicle, audio or video recording, into custody.
F. Stop: A temporary detention for questioning based upon reasonable suspicion that the person stopped is committing, has committed, or is about to commit a crime. The detention must occur in the vicinity of the stop and the stop must not exceed a reasonable duration.
PROCEDURE

Search / Seizure may occur under any of the following conditions:

1. Pursuant to a valid search warrant;
2. Incident to a lawful custodial arrest;
3. As authorized under established judicial exceptions;
   a. public places, open fields, plain view, inventory searches, abandoned objects, and
   b. automobile searches.
   c. exigent circumstances
   d. crime scenes
4. With consent of the person the officer reasonably believes has the authority to give such consent;
5. Within the scope of a lawful inspection; or
6. Pursuant to a stop and frisk situation.

A. Consent Search

1. A search warrant is not necessary when a person the officer reasonably believes has authority or control over the thing/place to be searched consents to the search.
   a. Generally, such authority extends to a person who possesses shares use, has access to, or has control of the property.
   b. If two people have joint ownership, possession or control of the property, either may give consent, however, if either retract the consent the search must stop (Georgia V. Randolph 2006).
2. Valid consent must be given freely and without coercion.
3. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant.

B. Stop and Frisk

See Policy & Procedure 1.13

C. Automobile Search

1. It is preferable to search a motor vehicle under the authority of a warrant whenever it is practical to obtain one. A motor vehicle may be searched without a warrant if the following conditions exist:
   a. Probable cause exists to believe that the vehicle contains contraband, evidence of a crime or the fruits of a crime.
   b. The vehicle is moving or capable of being moved quickly so that if the officer does not search immediately, the contraband or evidence could be destroyed or lost.
2. When Officers have probable cause to believe that contraband, evidence or the fruits of a crime are concealed somewhere within a vehicle; they may conduct a warrantless search of the entire vehicle, including all containers and packages that may conceal the object of the search. If probable cause is directed at a specific container within the vehicle, the officer may seize the container and obtain a warrant before searching it.
3. A warrantless vehicle may also occur under the following circumstances:
   a. Incident to a lawful arrest.
   b. As part of a lawful “stop and frisk”
   c. With consent.

D. Crime Scenes

1. Officers who are on private property investigating a crime without a search warrant may only perform a search for evidence if a recognized exception to the search warrant requirement exists. Even if an exception to the search warrant requirement exists, it is strongly recommended that a search warrant be obtained prior to conducting a search.
2. If custody of the crime scene is relinquished by police, consent of the person lawfully in control of the premises or a search warrant must be obtained to re-enter private property.

E. EXIGENT CIRCUMSTANCES
1. A warrantless search or entry may be made if circumstances exist that would lead a reasonable police officer to conclude that life or public safety would be endangered, or evidence or a crime destroyed if immediate action is not taken.

F. VEHICLE INVENTORY SEARCH

2. Vehicles seized or taken as evidence and towed at the direction of department personnel shall undergo an inventory search of contents, as specified below, to be conducted by the Department. The inventory search is conducted for the purposes of protecting personal property of those persons whose vehicles are towed under circumstances where they cannot arrange for the safekeeping of items contained in the vehicle, defending against allegations of theft directed at the Department and protecting evidence.

3. Vehicles towed at the direction of a police officer shall undergo an inventory search of contents, as specified below. Inventory should usually be completed by the arresting officer, or officer requesting tow if non-arrest situation. The inventory search is conducted for the purposes of: protecting the personal property of persons whose vehicles are towed under circumstances where they cannot arrange for the safekeeping of items contained in the vehicle; defending against allegations of theft directed at the Police Department and; protecting evidence.

   a. Circumstances requiring a vehicle inventory search.
      i. All safekeeping tows, except cases where the vehicle owner or operator is present at the time the vehicle is towed and is capable of arranging for the safekeeping of items of personal property contained in the vehicle. For example, vehicles shall not be inventory searched in cases of towing from the scene of a traffic accident unless the owner, authorized operator, or someone on their behalf is not present at the scene to arrange for the safekeeping of personal property when the vehicle is towed from the scene. Vehicles in violation of 48 parking and deemed abandoned do not require an inventory search.
      ii. All vehicles being held as evidence or subject to forfeiture.

4. Location and scope of inventory search
   a. Vehicles subject to inventory search shall be searched prior to removal from the scene unless the vehicle is being towed to a police facility for storage.
   b. The scope of the inventory search shall include the interior of the vehicle and areas which can be readily entered without the use of force. The glove compartment, console, or trunk is within the scope of the search if unlocked or if keys are available and entry can be made. Containers found in the vehicle shall be opened if the contents cannot be determined without opening same. The inventory search shall be conducted in a manner to avoid any damage to the vehicle or its contents.

5. Storage of Items Discovered During the Inventory Search
   a. Towing companies under agreement with the Police Department are responsible for the vehicle and its contents in their custody until retrieved by the owner or otherwise disposed of by law. Consequently, items discovered during the course of the inventory search will normally remain in the vehicle until retrieved by the owner from the storage facility. Contraband, or items constituting evidence of a crime shall be removed by the officer conducting the inventory search for storage in the property room pending proper disposition.
   b. If the officer conducting the inventory has reason to believe that items of value located in a vehicle to be towed will not be adequately protected while at the storage facility, the officer shall remove the items for storage in the property room.

6. Documentation of Inventory
   a. All vehicles being held as evidence shall have a case number assigned to them and properly tagged as evidence. Contraband or evidence located in the vehicle should be removed from the vehicle and placed in evidence.
   b. Items located in a vehicle that is being towed for safekeeping, and are not being removed by the officer for property inventory, shall be recorded in the officer's notes or squad video/audio for future reference. The officer will inform the tow truck operator of the presence of the items noted.
G. STRIP SEARCHES
1. Strip Searches shall only be conducted in accordance with Policy Procedure 1.11.

H. PLAIN VIEW
1. An officer may seize items in plain view when the officer is in a place where s/he has a lawful right to be and there is probable cause to believe that the items to be seized are contraband, evidence of a crime, or the fruits of a crime.
2. It must be immediately apparent to the officer that the items represent contraband, evidence, or other items subject to seizure. The officer may not move items, look underneath, inside, or behind items for serial number or identifying marks, etc.

I. OPEN FIELDS
A. Contraband or evidence observed on private property that is not considered part of the curtilage of a building or dwelling may be seized without a search warrant.
B. Officers making such observations may still elect to obtain a search warrant and should weigh the need to immediately seize the items as opposed to obtaining a warrant. A warrant should be obtained in all cases where there is any doubt as to whether or not the property to be seized is within the curtilage of the property or when the officers cannot articulate exigent circumstances demanding immediate seizure.

J. PUBLIC PROPERTY
A. No search warrant is required for an officer to search public property or seize evidence on public property where no other reasonable expectation of privacy exists.
B. Examples include public lands or public buildings that have not been leased or otherwise placed under the control of an individual or group.

K. PRIVATE PROPERTY HELD OPEN TO THE PUBLIC
A. No search warrant is require for an officer to seize evidence or contraband in plain view on private property held open to the public.

L. ABANDONED PROPERTY
1. A Search warrant is not required for property that has been abandoned.
2. To constitute abandoned property, two conditions must apply:
   a. The property was voluntarily abandoned;
   b. The property was discarded outside the area in which someone has a reasonable expectation of privacy.
3. Examples of abandoned property include an automobile that has been left unattended in a public place for an extended period of time or left by a suspect in flight, or an item dropped or thrown by a suspect in flight.

M. LAWFUL INSPECTION
1) Certain licensed premises, such as taverns and restaurants, are subject to unannounced inspections.
2) An officer may search the business premises without a warrant, although this authority does not extend to the owner’s private office or, if applicable, private attached apartment.

N. SEARCH INCIDENT TO A LAWFUL ARREST
1) Section 968.10(1), Wisconsin Statutes, authorizes officers to conduct searches “incident to a lawful arrest.”
2) “Incident to a lawful arrest” requires that the search shall occur as soon as practical after the arrest. Further, the search shall be made at or near the place of the arrest. Searches “incident to a lawful arrest” made of the premises or vehicle the person was in at the time of the arrest shall be made while the person arrested is still at the location of the arrest. If it is not practical or safe to search the vehicle at the scene the vehicle can be moved to a safe area prior to the search.
search of the arrested person “incident to a lawful arrest: may occur after the person has been transported to the police department or a detention facility.

3) Section 968.11, Wisconsin Statutes, establishes the scope of a search incident to a lawful arrest. It permits an 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; or
   b. Preventing the person from escaping; or
   c. Discovering and seizing the fruits of the crime; or
   d. Discovering and seizing any instruments, articles or things which may have been used in the commission of, or which may constitute evidence of, the offense.”

4) The area within an arrested person’s immediate presence can be further defined as that area within lunge, reach, or grasp of the person at the time of the arrest.

5) If the area within the arrested person’s lunge, reach, or grasp includes a motor vehicle, the search may include the entire passenger compartment of the vehicle when the subject is still present at the scene.
   a. The search may include a locked or unlocked glove box or containers if present in the passenger compartment.
   b. The search may not extend to the trunk unless the trunk is readily accessible from the passenger compartment of the vehicle or unless the search is supported by probable cause to search.

6) Officers are not authorized to conduct searches of routine traffic violators who are merely issued citations and subsequently released without being taken into physical custody unless a “Terry-type” frisk or other exception to the search warrant requirement is present. Persons taken into physical custody for traffic violations, even if only temporarily such as to post bonds are subject to search incident to a lawful arrest.

V. SEARCH WARRANTS

1. Obtaining a search warrant
   1) An officer requesting a search warrant must provide sufficient information from which a judge may find probable cause to believe that the objects sought are currently in the location to be searched. Officers shall confer with the district attorney prior to seeking a search warrant.

2. Execution of Search Warrants
   2) Section 968.15(1), Wisconsin Statutes, requires that a search warrant be executed and returned within 5 days of the date of issuance.
   3) Search warrants not executed within 5 days of issuance shall be considered void and returned to the issuing judge/clerk of courts.
   4) A case report shall be completed after the execution of a search warrant documenting the officer’s activities and seizure of any property and/or other evidence.
   5) Prior to executing a search warrant, officers shall knock and state their identity and purpose and allow a reasonable amount of time for the occupant to permit entry. If the officer notes activity within the premises that reasonably leads him/her to believe that the officer(s) or other persons within the premises are in imminent danger of bodily harm, evidence is being destroyed or escape attempted, officer(s) may use reasonable force to enter the premises. Section 968.14, Wisconsin Statutes, provides that officers may use, “all necessary force” to execute the search warrant.
   6) When obtaining a search warrant, officers may request a “No-Knock” warrant authorizing initial entry to the premises without announcing the officers’ presence. Such requests for “No-Knock” search warrants should only be made if the officer can present to the magistrate sufficient specific facts that indicate one or more of the following circumstances are present:
      i. Information, beyond the mere possibility that evidence may be destroyed, which establishes that there is reasonable cause to believe evidence may be destroyed if officers announce their presence such as prior attempts to destroy evidence or information that the suspects have stated their intent or established plans to destroy evidence; or
      ii. Information which establishes reasonable cause to believe there is a danger to officers or others on the premises if officers announce their presence; or
iii. Information which establishes reasonable cause to believe there is a likelihood of escape if officers announce their presence.

7) Damage which occurs during the execution of a search warrant shall be photographed and documented in a general report. Regardless of whether damage occurs, photographs may be valuable in the event that damage claims are made at a later date.

8) Section 968.16, Wisconsin Statutes, provides a person executing a search warrant, “may reasonably detain and search any person on the premises at the time to protect him/herself from attack or to prevent the disposal or concealment of any item particularly described in the search warrant.”

9) While executing a search warrant, officers shall be careful to record a description of and the location from where items were seized. In addition to a written record, photographs may be used to show the location from which property was seized.

10) The number of officers conducting the actual search shall be limited to ensure that each item seized is properly recorded and a chain of evidence is maintained.

11) An officer may legally seize anything described in a search warrant. Officers may search any location, within the parameters established in the warrant, in which an item described in the warrant may reasonably be secreted.

12) Items not identified in a search warrant may be seized if they meet all of the following requirements:
   (1) The evidence must be discovered in the course of a lawful search; and
   (2) The evidence must be readily recognized as contraband or, in conjunction with facts known to the officer before the search, the officer recognizes property as evidence of or the fruits of a crime; and
   (3) The property was discovered in the physical area properly subject to search by authority of the warrant; and
   (4) The evidence was found prior to the time that all specifically named items in the warrant were found.
   (5) Officers must terminate the search when all described warrant items are found.

3. Return of a Search Warrant
   a. After a search warrant is executed, the officer to whom the warrant was directed shall be responsible for returning the warrant to the court designated therein with a written inventory of the property seized. This must occur within 5 days of the date of issuance and 48 hours of the time of execution of the warrant.
   b. Within 5 days after the execution of the warrant, the officer responsible for obtaining the search warrant shall ensure the affidavit or complaint made in support of the issuance of the warrant and a transcript of any testimony taken in support of the issuance of the warrant shall be filed with the Clerk of Courts.

VI. INVENTORY OF PROPERTY OTHER THAN VEHICLES.
   i. Property seized, recovered, found or abandoned and brought into police custody is subject to an inventory search, particularly noting items of value. Packages or items that may contain or hold multiple items should be inventoried with the contents documented in a property report.

VII. DISPOSITION OF SEIZED PROPERTY
   ii. Any property seized by officers under this Order shall be entered into evidence/property. All items shall be receipted with the proper department forms and the facts surrounding the seizure shall be documented in a report.

Chief Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: STOP & FRISK
NUMBER: 1.13

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

PURPOSE
The purpose of this policy is to identify the mandate for stop and frisk situations and provide
guidelines to officers to properly formulate “reasonable suspicion” for a stop and “reasonable fear”
for a frisk.

POLICY
The statutory provisions behind this policy are State Statutes 968.24 and 968.25. In Wisconsin,
reasonable suspicion is sufficient grounds for stopping and questioning a person suspected of
committing, having committed or about to commit a crime. The following policy covers the
departmental guidelines for stop and frisk activities.

DISCUSSION
All law enforcement officers should be familiar with the term “Stop and Frisk,” and that a proper
“stop” will not automatically authorize a “frisk.” Officers must be able to articulate the “reasonable
suspicion” required for a “stop” independently and separately from the “reasonable fear” required
for a “frisk.”

DEFINITIONS
“Reasonable suspicion” is more than a vague hunch and less than probable cause.

I. PROCEDURE
A. The Stop
1. Under the statute, there are six (6) rules for the stop:
   a. It must occur in a public place. This includes a person’s car if on the
      street, but a person’s backyard or home or his/her host’s backyard or
      homes are not public places.
   b. The officer must identify himself/herself as a law enforcement officer.
   c. The officer must reasonably suspect the person is committing, has
      committed or is about to commit a crime. This quantum is not the same
      as probable cause to arrest; it is less than that, but more than “mere
      suspicion.” A person loitering in a high crime area late at night or jogging
      near a building site already burglarized might, in view of the officer’s
      experience, produce reasonable suspicion. The U. S. Supreme Court in
      1972 said that the tip of an untested informant, while not giving
      reasonable grounds for arrest, would give reasonable suspicion for a
      stop and frisk.
   d. The officer may demand the person’s name and address and an
      explanation of his/her conduct. However, if the person states, “I do not
      wish to say anything to you, even identify myself,” and causes no trouble
      at all, and there is no further information or facts which could lead the
officer to “probable cause,” the officer must allow the person to go on his/her way. Refusal to answer an officer’s questions in itself is not “obstructing an officer.”

e. The temporary detention for questions must be in the vicinity of the initial stop. It may, for example, be out of the rain, but not at the police department six miles away.

f. The questioning may only be for a reasonable length of time. This will vary in different circumstances, but will include enough time to call in a stolen car inquiry or identity check.

Wisconsin courts have held that mere flight from the presence of the police is sufficient grounds for formulating a reasonable suspicion necessary for an investigatory stop. Also, if necessary, the police may use force to compel a reasonable suspicion — investigatory stop.

Under the statute, the stop must occur in a “public place.” No definition of a “public place” is given and the court has not yet clarified the phrase. If the officer sees suspicious activity at a time at which the officer himself/herself is in a public place, the requirement is probably satisfied. An officer on patrol at 3:00 a.m. might see a person attempting to enter a house through a side window. After questioning, it is revealed that the person is the owner of the house and has lost his/her keys. The “stop” has thus occurred on this person’s private property. The officer, however, either from his/her care in the public road or on foot on the public sidewalk has, from a “public place” viewed suspicious activity and is perfectly justified in further investigation. It is reasonable to assume that “public place” refers to a place accessible without breaking and entering.

B. The Frisk

1. For a frisk to be warranted after a person has been stopped, the officer must reasonably suspect that he/she or another is in danger of physical injury from that person.

2. The officer is entitled to conduct a “limited” search for weapons or objects which might be used as weapons. This means a pat-down of the person’s outer clothing and nothing more, unless an object is felt which might be a weapon.

3. The frisk may not be used as an excuse to search for evidence.

4. An officer may seize an object during a frisk that is not suspected to be a weapon if the officer is experienced and trained in narcotic detection and enforcement and, based on that experience, can ascertain that the object felt is a controlled substance.

5. If the officer finds a weapon or dangerous instrument, it may be taken. Upon completion of the stop, it may be returned if its possession is legal unless, upon probable cause, he/she decides to arrest. If he/she finds contraband, it may be seized and may constitute grounds for valid arrest. Once there is an arrest, a complete search incident to arrest may be made.

Chief of Police
Shane Collins
SUBJECT: Anatomical Gifts

SCOPE: ALL DEPARTMENT PERSONNEL

ISSUED: 06/22/2020

DISTRIBUTION: POLICY & PROCEDURE MANUAL

INDEX AS: Anatomical Gifts

PURPOSE: The purpose of this Policy & Procedure is to provide guidance to officers in identifying individuals who are anatomical gift donors or those who have refused to make an anatomical gift.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURE

I. POLICY

It is the policy of the Holmen Police Department that all officers will be cognizant of the ability for a person be an organ donor and to the extent possible, officers honor the wishes of said organ donor in the performance of the officer’s duties.

II. DEFINITIONS

Anatomical Gift: a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research or education.

Donor: an individual whose body or part is the subject of an anatomical gift.

Record of Gift: a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver’s license or identification card or in a donor registry.
Record of Refusal: a record that expressly states intent to bar other persons from making an anatomical gift of an individual’s body or part.

III. PROCEDURES

A. Pursuant to WI §157.06(12), a law enforcement officer, fire fighter, emergency medical technician, first responder or ambulance service provider who reasonably believes an individual to be deceased or near death is required to do the following:
   1. Make a reasonable search of the individual for a record of gift or a record of refusal or other information identifying the individual as a donor or as an individual who has refused to make an anatomical gift.
   2. If a law enforcement officer responds to a scene where an individual is deceased or near death, the officer must take into consideration that the individual may possibly be an organ donor. Therefore, the officer must make a reasonable search of the individual for a “record of gift” or a “record of refusal”.

B. The “record of gift” can be in the form of a donor card or a statement on the individual’s driver’s license or State Department of Transportation identification card that they are a donor. The fact that the driver’s license or identification card, on which the anatomical gift is made, is revoked, suspended, expired or cancelled does not invalidate the anatomical gift.

C. If an officer locates a “record of gift” or a “record of refusal”, the officer shall forward this record to the hospital, if the person is transported to a hospital. An officer is immune from criminal and/or civil liability for failure to discharge their duty to search. However, the officer may be subject to administrative sanction for failure to perform this duty.

D. In conducting a search for a “record of gift” or “record of refusal”, the officer should take into account the fact that law requires a reasonable search. Therefore, the officer must weigh the need to provide medical assistance to the individual and possible criminal investigation procedures in the incident.

E. If the individual appears to be near death, officer safety and the safety of the public are paramount. The officer should render first aid within their abilities and summon emergency medical personnel.

   - In many of these situations, it may prudent for the officer to not move the body and leave the search for a record of gift or refusal to the emergency medical personnel.

F. If an officer responds to a scene where the individual is deceased, the officer should utilize the following procedure.

   1. If the death is perceived to have been from natural causes, the officer shall contact the La Crosse County Medical Examiner’s Office and advise them of the circumstances of the death. If the officer obtains clearance to release the body the officer should then conduct a reasonable search for the “record of gift” or “record of refusal”.

1.14-6.1.8 ANATOMICAL GIFTS
G. If the death is perceived to be a possible homicide, suicide or the result of an accident, the officer shall not immediately conduct a search for the record of gift or record of refusal.

1. At this point, the officer should treat the area as a crime scene. The body of the deceased is the jurisdiction of the La Crosse County Medical Examiner Coroner’s Office and the body should only be searched along with the staff of those offices.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 05/15/2016
PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for the transportation of prisoners in custody of the Holmen Police Department.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. SEARCH OF PRISONERS
III. TRANSPORT OF PRISONERS
IV. USE OF RESTRAINING DEVICES
V. ESCAPE OF PRISONERS
VI. SPECIAL TRANSPORT SITUATIONS
VII. MEDICAL ISSUES
I. POLICY

It is the policy of the Holmen Police Department that all persons being transported in a Department vehicle are presumed to be armed and shall be searched before being transported for the safety of the public, the transporting officer, and the person being transported. All persons being transported who are under arrest or otherwise detained will be restrained in some way while being transported in Department vehicles for their protection, the transporting officer’s protection and the safety of the public to minimize the potential of escape.

II. SEARCH OF PRISONERS

A. Prior to transport, all persons in custody shall be searched for the transporting officer’s safety and the safety of those the prisoner will be turned over to. The search will be for weapons, evidence, contraband or tools of escape. The transporting officer shall ensure that the prisoner they are transporting was searched.

B. Strip searches and/or body cavity searches shall be conducted only in accordance with Department Policy & Procedure 1.11 Strip / Body Cavity Searches.

III. TRANSPORT OF PRISONERS

A. The Department vehicle being used by an officer for duty will be checked prior to going out on patrol for:
   1. Overall mechanical condition
   2. Damage to the exterior
   3. All required Department equipment is present
   4. The rear seat window control should be deactivated.
   5. The entire interior of the vehicle shall be searched to insure that no weapons, contraband and/or personal effects have been left or hidden within the vehicle.

B. Immediately before and after transporting a prisoner officers shall search their vehicle for any weapons, contraband and/or personal effects.
   1. The pre-loading inspection may be omitted by the officer when there is absolutely no possibility the vehicle has been contaminated between the time the interior was last inspected and the subsequent transport.

C. Prisoners shall be transported in the following manner:
   1. The prisoner shall be seated in the rear seat of the vehicle behind the security screen, preferably behind the front passenger seat to ensure the prisoner is visible to the transporting officer at all times.
   2. Prisoners should not be transported in a Department vehicle that does not have a security screen.
   3. Prisoners shall have their seatbelt secured during transport unless the prisoner is too big, continually unfastens it, or is resisting to such an extent
that attempting to secure the seatbelt would be unsafe for the prisoner or officer. When any of the latter are encountered officers will follow Section IV.H. of this Policy.

D. During the period of transport, the prisoner will not be allowed to communicate with anyone other than the transporting officer(s). The transporting officer(s) will periodically check on the comfort of the prisoner commensurate with the demands of the transport.

E. When officers deliver prisoners to a secure detention facility, the officers shall:
   1. Secure their firearms and other restricted equipment in a weapons locker or trunk of their vehicle.
   2. Transfer custody of the prisoner and appropriate documentation to the receiving person in the secure detention facility.
   3. Obtain the signature of the receiving person, where appropriate.
   4. Advise receiving agency personnel of the circumstances for the transport, and any potential medical or security hazards.

IV. USE OF RESTRAINING DEVICES

A. The following items are the only authorized restraint devices that may be used during prisoner handling/transport:
   1. Handcuffs – chain link or hinged
   2. Flex cuffs – special removal device must be available for removal
   3. Leather Medical Restraints
   4. Belly Chains/Belly Belt
   5. Specialized Leg Restraints

B. Generally, prisoners requiring transport shall be handcuffed to protect the prisoner, the officer, other citizens, property, and to prevent escape. Officers using handcuffs and/or other restraint devices shall be trained in their use and removal, before using the authorized restraint devices.

C. Officers should take into consideration the following information when deciding whether or not to handcuff a prisoner or use another type of authorized restraint:
   1. Age
   2. Physical size
   3. Any disability
   4. Attitude of the prisoner
   5. Seriousness of the offense

D. Whenever handcuffs are used, they will be applied in accordance with DOJ Training and Standards Defense and Arrest Tactics standards.

E. Whenever restraining devices are used, they should be safety-locked, if possible.

F. Prisoners shall be handcuffed with their hands behind their back unless they are unable to be safely handcuffed in that position. Under those circumstances, the prisoners may be handcuffed with their hands in front.

G. Flex cuffs, Belly Chains/Belts, Specialized Leg Restraints, or Leather Medical restraints may be used to supplement or replace handcuffs when necessary.
Flex cuffs may also be used when multiple prisoners are in custody.

H. When it is necessary for an officer to physically restrain a prisoner during transport to protect the prisoner or property, an officer(s) should ride in the rear seat of the vehicle after securing their firearm, baton, and pepper spray in the trunk of the vehicle.

I. Prisoners shall not be placed in a prone position while being transported. Regardless of restraining method, officers always need to safeguard for positional asphyxia.

J. Officers will not restrain a prisoner by connecting the hands and feet.

K. At no time will prisoners be handcuffed together.

L. Prisoners will not be handcuffed to objects unless the object was specifically designed for that purpose.

M. The use of restraint devices shall be documented in the corresponding incident report.

N. Any injuries resulting from the use of restraints shall be documented, and if appropriate and safe to do so, photographs should be taken.

V. ESCAPE OF PRISONERS

A. If a prisoner should escape during transport, the transporting officer shall:
   1. Notify officials in the jurisdiction where the escape occurred; the location of the escape, description of the escapee, and direction of travel of the escapee.
   2. The transporting officer will submit a separate incident report regarding the escape.

VI. SPECIAL TRANSPORT SITUATIONS

A. If an officer believes that a prisoner being transported is an unusual security risk that information shall be communicated to the receiving agency or court to allow the receiving agency or court time to implement any additional security measures it may deem appropriate.

B. When an officer transports a prisoner or person of the opposite sex, the officer shall:
   1. Advise the dispatcher of the transport.
   2. Provide the dispatcher with the odometer reading at the beginning and at the conclusion of the transport.
   3. Ask the dispatcher to record the departure time and odometer reading as well as the time and odometer reading at the conclusion of the transport in the CAD notes.

C. When transporting handicapped prisoners, the officer will exercise due care respective of the handicap and ensure the transporting vehicle is appropriate for prisoners with wheelchair, crutches, or prosthetic devices. The officer may decide that an ambulance is better suited for transport in these cases. It should not be assumed that restraining devices are unnecessary for a disabled prisoner.
1. Discretion should be used when deciding whether or not to use restraining devices during these types of transports. The selected device should restrain the prisoner securely without causing injury or exacerbate pre-existing problems.

D. Mentally disabled prisoners may pose a significant threat to themselves and/or the transporting officer. If practical, two officers should be used when transporting mentally disabled persons to allow constant visual contact with the prisoner.

E. The Holmen Police Department does not operate a lock-up facility therefore officers will not be responsible for any transports of prisoners involving special situations such as attendance at funerals or reading of wills; visitations with critically ill persons; or other unique circumstances that may arise while a prisoner is confined.

F. If a prisoner is injured while being arrested or is arrested and found to have an unrelated sickness or injuries, immediate medical attention should be sought prior to transport to the custodial facility.

VII. MEDICAL ISSUES

A. When transporting sick or injured persons who require medical attention, the officer should summons an ambulance to do the transport, except when the extent of the illness or injury is so minor that the transport by ambulance would not be warranted.

1. If an officer has any doubt as to the medical condition of the prisoner, an ambulance should be summoned.

2. Discretion should be used when deciding whether or not to use restraining devices during these types of transports. The selected device should restrain the prisoner securely without causing injury or exacerbate pre-existing problems.

2. The officer shall monitor the prisoner by riding in the ambulance or by following the ambulance in his/her Department vehicle.

B. Prisoners who are taken for immediate treatment should be closely monitored. To minimize the chance for attempted escape, suicide, or assault of medical staff, bystanders or law enforcement personnel, prisoners should be kept in appropriate restraints and visually monitored at all times. Special precautions should be undertaken in those rare cases where the prisoner is out of sight or unrestrained. Only under unusual circumstances will the prisoner be allowed out of the transporting officer’s sight. If restraints should be removed for treatment, caution should be exercised while the prisoner is unfettered.

C. If it becomes necessary for a prisoner to be admitted to a Hospital the on-duty supervisor for the County where the Hospital is located shall be contacted to assist with rotational scheduling and supervision of guards to help ensure an incident-free confinement.

1. The officer should be prepared to tell the supervisor; the prisoner profile, length and type of treatment, facilities and associated risk factors, if 24 hour
coverage is required, what types of restraint is required and any medications, medically necessary appliances, meals and utensils.

2. No visitors will be allowed in the hospital room nor will the prisoner be allowed to make or receive any phone calls while in the hospital.

D. When released from treatment, the prisoner’s condition should be carefully recorded. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician and accompany the prisoner to the confinement facility.

E. Before moving from the hospital, the prisoner should be searched and restrained.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/30/2016
PURPOSE: The purpose of this Policy & Procedure is to establish procedures for members of the Holmen Police Department that are consistent with the Mental Health Act - Emergency Detention and the Protective Service System - Protective Placement, which regulates the handling of individuals who are mentally ill, drug dependent, developmentally disabled, suffering infirmities of aging, chronic mental illness, or other like incapacities.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. AUTHORITY AND BASIS FOR DETENTION
IV. PROCEDURES
V. SPECIAL TRANSPORTATION NEEDS
VI. VIOLATIONS OF STATUTES OR ORDINANCES
VII. PROBABLE CAUSE HEARINGS
VIII. VOLUNTARY ADMISSIONS
IX. REPORTING OF INCIDENTS

I. POLICY
Dealing with individuals who are known or suspected to be mentally ill carries the
potential for violence, requires an officer to make difficult judgments about the mental state and intent of the individual, and requires special police skills and abilities to effectively and legally deal with the person in a constructive and humane manner. Officers shall be guided by state law and this policy to assist them in defining whether a person’s behavior requires intervention.

II. DEFINITIONS

**DEVELOPMENTAL DISABILITY:** Has the meaning specified in s. 51.01(5)

**DRUG DEPENDENT:** Has the meaning specified in s. 51.01(8)

**MENTAL ILLNESS:** Has the meaning specified in s. 51.01(13)

**TREATMENT:** Has the meaning specified in s. 51.01(17)

**MENTAL HEALTH CONSULTANT:** A person employed by the La Crosse County Department of Human Services (i.e. Crisis Intervention specialist or on-duty supervisor) who has authority to assess and detain persons for the purpose of Emergency Detention or protective custody/placement.

III. AUTHORITY AND BASIS FOR DETENTION

A. An officer may take an individual into custody if the officer has cause to believe that individual is mentally ill, drug dependent or developmentally disabled and exhibits behavior specified in WI §51.15(1)(a)(1-4).

B. The officer's belief shall be based on any of the following:
   1. A specific recent overt act or attempt or threat to act or omission by the individual which is observed by the officer.
   2. A specific recent overt act or attempt or threat to act or omission by the individual which is reliably reported to the officer by any other person, including any probation, extended supervision and parole agent authorized by the department of corrections to exercise control and supervision over a probationer, parolee or person on extended supervision.

C. The officer must be able to detail specific information concerning recent acts or omissions on which his/her belief is based, including whether observed by or reliably reported, and if reported, by whom.

IV. PROCEDURES

A. When an officer is handling a mentally ill or protective placement person, a back-
up officer shall be requested.

B. Any mentally ill or protective placement person who is taken into custody will be handled in accordance with Department Policy 1.15, Search/Transport of Detainee(s).

C. Prior to or during transport, officers shall call the appropriate County assessment facility (mobile crises) to determine if a person should be taken into custody for emergency detention or protective placement. The officer should provide: the name of the person in custody; a brief account of the incident; and convey the individual to the appropriate assessment facility to confer with the mental health consultant.

D. At the appropriate assessment facility officers will sign a statement of emergency detention that shall provide detailed, specific information concerning the recent incident(s) that lead to the officer’s belief under WI §51.15(1) along with the names of persons observing or reporting the recent incident(s). Officers are not required to designate in the statement whether the subject is mentally ill, developmentally disabled, or drug dependent, but shall allege that the officer has cause to believe that the individual evidences one or more of these conditions.

E. The mental health consultant from the appropriate assessment facility must approve the need for detention, and for evaluation, diagnosis and treatment before the mentally ill or protective placement person can be transported to the appropriate detention facility (Gunderson Lutheran, Mayo or other designated approved facility). The person becomes the responsibility of the County Department of Human Services under an involuntary commitment when the officer delivers the patient to the approved facility.

F. The statement of emergency detention shall be filed by the officer with the approved detention facility at the time of admission, and a copy will be placed with the incident report. Officers shall provide reasonable and/or necessary assistance as may be required or requested by treatment facility staff during admittance of the patient.

G. Officers must complete their incident report, in accordance with Section IX of this policy, prior to going off duty. The incident report, along with the statement of emergency detention, must be filed with the court immediately.

H. Applicability of juveniles.

1. In the event a mentally ill or protective placement person is a juvenile, the same procedures as adults apply, with the exception that juveniles will be taken to the approved juvenile detention facility after approval at the assessment facility.

2. In addition to arrangements made with the approved detention treatment facility, officers will attempt to notify the parent, guardian and/or legal custodian, as soon as possible that the juvenile has been taken into custody.
and as many details as may be allowed.

V. SPECIAL TRANSPORTATION NEEDS

A. Any mentally ill or protective placement person who is taken into custody and is in need of medical treatment shall be evaluated by medical personnel and if needed, transported to the hospital by ambulance.
B. Any mentally ill or protective placement person who is taken into custody and in need of emergency medical treatment; i.e. unconscious, severe lacerations, fractures, etc., shall be transported to the hospital by ambulance.
C. Should a mentally ill or protective placement person refuse needed medical treatment, the County Department of Human Services shall be notified when the person is at the assessment facility.
D. Once a patient, adult or juvenile, is at the approved detention facility and a determination is made that the patient must be transported to another institution, the responsibility of transport is that of the County Department of Human Services.

VI. VIOLATIONS OF STATUTES OR ORDINANCES

A. Arresting the suspect is always the appropriate disposition when a felony has been committed. However, in some cases it may be appropriate to address the mental health issue first and refer the individual for charges later.
B. If the offense is a misdemeanor or ordinance violation, and the officer concludes that signs of abnormal behavior are probably related to the violation, the officer shall contact his/her shift supervisor to determine the appropriate disposition.

VII. PROBABLE CAUSE HEARINGS

A. If it is necessary for a police officer to appear and testify at a probable cause hearing per WI §51.20(7) or §55.135, the police department generally shall be verbally informed by the court. The subpoena should be served on the officer when the officer arrives at the County Circuit Court.
B. If a subpoena is received for an officer who cannot be served within a reasonable period of time prior to the scheduled court hearing, then the court must be verbally informed so further subpoenas may be served or arrangements made for others to testify at the hearing.
C. Exceptions to the above shall be handled on an individual basis.

IX. REPORTING OF INCIDENTS
A. Whenever an officer has contact with, and provides assistance to a mentally ill or protective placement person, an incident number shall be obtained and an Incident Report completed per Department policy 11.2.

B. Other offenses discovered or reported during the investigation of the emergency detention shall be reported on a separate incident report with a separate incident number if the officer chooses to pursue charges or issue a citation(s) for the violation(s). The new incident report(s) shall be titled by the incident type, such as theft or assault and contain details relative to the incident in the body of the report. No mention of the emergency detention should appear in this incident report.

C. Officers shall complete any other form or written order as may be required in incidents involving “Emergency Detention” or “Protective Placements”, including any forms required by the treatment facility.

Shane Collins
Police Chief

02/06/2017
PURPOSE

The purpose of this policy is to prevent occurrences of racial and ethnic profiling. It is the Holmen Police Department’s position that profiling based on race, ethnicity, skin color, gender, sexual orientation, physical/mental handicap, or religion is unacceptable and will be prohibited, in any form, by this department. It is this department’s goal to provide equal protection under the law to all individuals.

POLICY

It is the policy of this department that all people will be treated with dignity and respect and at the same time, we will work to deter actual and potential lawbreakers. This department will patrol in a proactive manner, aggressively investigate suspicious persons and circumstances, and actively enforce the law. However, we will insist that citizens only be stopped or detained when there exists reasonable suspicion.

I. DEFINITIONS

A. Racial Profiling: Any enforcement action, detention or disparate treatment that relies on a person’s race, ethnicity, national origin or other characteristics, rather than their behavior.

1. Officers MAY NOT use racial or ethnic stereotypes as factors in deciding whom to stop or whom to search.

2. Officers MAY use race, ethnicity, or other specific characteristics to determine whether or not a person matches a specific description of a particular suspect.

B. Reasonable Suspicion (Articulable Suspicion): Suspicion that is based on more than a mere hunch. It is something 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.
II. Procedures
A. Training
1. Officers will receive initial training in proactive enforcement tactics, including officer safety, courtesy, cultural diversity, search and seizure and interpersonal communication skills.
2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

B. Enforcement Activity
Law enforcement decisions (to stop, detain, further investigate, search, warn or arrest) made by Holmen Police 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. Each time that a citizen is detained, the officer should radio to dispatch the location, the description of the person or vehicle being stopped, and any other relevant information.

C. Citizen Contacts
1. All law enforcement actions should be recorded with dispatch, logging location, vehicle registration, and the identification of the driver, passenger, or pedestrian involved.
2. If the department vehicle is equipped with a mobile video camera, the video and sound shall be activated prior to contact and remain activated while in direct contact with the person.
3. 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.
   ▪ Greeting
   ▪ Identify yourself and your department
   ▪ Reason for the stop
   ▪ Ask for justification for the violation
   ▪ Request their driver’s license
   ▪ Obtain other needed documentation (registration, etc.)
   ▪ Make enforcement decision and complete paperwork
   ▪ Closing
4. 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.
5. 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.

III. DATA COLLECTION
All enforcement activity, to include traffic ordinance citations, warnings and arrest reports, shall contain the person’s race and gender. This information, along with the enforcing officer’s identification, shall be entered into the department’s RMS system. The RMS system will then be able to generate a report showing the enforcement action, a person’s race and gender as well as the officer involved.

IV. Complaints
A. Any person may file a complaint with the department or the law enforcement committee/police commission, if they feel that 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.

B. 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 of the Holmen Police Department. If a supervisor is not available, the officer will ask for the person’s name, address and phone number (if they are willing to give it) and report the contact to a supervisor as soon as practical.

C. Complaints will follow the appropriate chain of command process. 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.

D. Any complaint will follow the procedures as outlined in this policy.

V. General Provisions
   A. Treat all persons contacted with respect and dignity
   B. Take enforcement action based on reasonable suspicion and probable cause
   C. Do not make derogatory comments

Chief of Police
Shane Collins
PURPOSE
The purpose of this policy is to establish procedures for (1) enforcing the concealed carry laws and (2) contacts with persons who are, or thought to be, armed.

POLICY
It is the policy of the Holmen Police Department to enforce all laws governing weapons possession and to abide by the privileges granted by the 2nd Amendment. However, officers are authorized to take reasonable action to protect themselves and others from potential threats. An officer who comes into contact with a person possessing a handgun should exercise caution and good judgment, while remembering that not everyone who carries a handgun is necessarily a threat or a criminal. Whether an officer’s actions are reasonable can depend on the totality of the circumstances, such as the person’s demeanor, the location, time of day or night, and other factors.

DEFINITIONS
“Illegal weapon” means any weapon that’s possessed contrary to law.

“Open Carry” means a knife, handgun, rifle or shotgun in plain view while in a holster or sling. Carrying any weapon in the hand is considered “brandishing” and is not permissible. A concealed carry license is not required.

“Schools” in this Policy refers to within the School District of Holmen, and any future public, parochial or private school that provides educational programming for grades 1-12.1

“Weapon” means, for purposes of this Policy, any weapon that a Wisconsin license holder is authorized to carry concealed. These are a handgun, electric weapon, a knife (other than a switchblade), and a billy club.2

I. LEGAL REQUIREMENTS
A. Open Carry- General Provisions
   1. Except for the limitations shown below, it is not illegal per se to go armed with a knife, handgun, shotgun or rifle in plain view and without a permit. Persons openly carrying should not be detained unless an officer has reasonable suspicion that the person has committed or is about to commit a crime.

1 948.605(1)(b), 948.61(1)(b).
2 175.60(1)(j)
a. An officer may engage the person in a voluntary conversation regarding the circumstances of the carry. The person is not obligated to answer questions, including providing identification, and must be allowed to leave.

2. An officer may detain and question a person if there’s reasonable suspicion the person has committed or is about to commit a crime; known to be a convicted felon; known to be prohibited by law or Court Order from possessing the weapon; or engaged in threatening behavior or disorderly conduct, including openly carrying an illegal weapon or brandishing any weapon.
   a. Open carry alone does not constitute Disorderly Conduct.
   b. An electric weapon cannot be carried openly without a concealed carry license.
   c. The totality of the circumstances is an important element of what is reasonable suspicion.

3. In a vehicle, keeping a loaded, uncased handgun is permitted if not concealed; loading a handgun in a vehicle is also permitted. Long weapons must be unloaded even if the person has a concealed carry license. Electric weapons must be cased and out of reach.

4. It is illegal to openly carry any weapon, with or without a concealed carry license, in the Holmen Police Department.

5. Schools: see ‘C’

6. Taverns: See ‘D’

7. Village Property: See ‘E’

8. Private Property: See ‘F’

B. Concealed Carry with License (General Provisions)

1. A person carrying a concealed weapon must display the concealed carry license and driver’s license or state ID upon the request of an officer acting in his or her official capacity.
   a. A Wisconsin resident must have a concealed carry license issued by this state; licenses from other states are not valid.
   b. An out-of-state resident may use that state’s license if approved by the Department of Justice. The licensee must be at least 21 years of age regardless of the issuing state’s policy. Even if the out-of-state license includes a photo, the person must still produce a separate photo driver’s license or state ID that is substantially similar to those issued by this state.
   c. A driver’s license or state ID card is valid as photo identification even if the person’s motor vehicle operating privilege is revoked, suspended, or disqualified and the person is a resident of Wisconsin. A driver’s license or ID card is not valid if expired, cancelled, denied, surrendered, or voided.

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3 167.32(2)(b) and (c).
4 941.295(2r)
5 175.60(16)(a)
6 175.60(2g)(c)
7 15.60(1)(f) and (2g)(a).
8 175.60(1)(g)
9 175.60(1)(h)
2. A person found carrying a concealed weapon without a license, or a license holder found carrying a weapon that’s not authorized by law, is guilty of carrying a concealed weapon.

3. A concealed carry license does not relieve the licensee from obeying other existing laws governing the conduct of individuals and the use of weapons.

4. A concealed carry license does not confer new or additional rights to exercise self-defense or defense of others as provided for by law.

5. The concealed carry license does not have a requirement that it can only be used for lawful purposes. Consequently, a licensee who uses the weapon to commit a crime can’t be charged with carrying a concealed weapon.

6. **A former law enforcement officer** may carry a concealed weapon if in possession of any of the following:\(^{10}\):
   a. A concealed carry license.
   b. A photo ID issued by the former officer’s agency and a certification card that shows:
      1. The type of firearm the former law enforcement officer is certified to carry.
      2. The former law enforcement officer has been found by a certified firearms instructor to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type established by the law enforcement agency from which the former law enforcement officer separated.
      3. The date on which the firearms training qualification was made and an expiration date that is 12 months later than that date.
      4. That, due to the firearms training, the former law enforcement officer is qualified to carry a concealed firearm. The officer is only entitled to carry that specific firearm, and may not carry an electric weapon, billy club, or knife, as is the case with a conventional concealed carry license.
   c. A photo ID issued by the law enforcement agency from which the former officer separated from service that indicates that within the 12 months preceding the date the on which the former officer is carrying concealed, that he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active duty officers to carry a firearm of the same type being carried by the former officer. The officer is only entitled to carry that specific firearm, and may not carry an electric weapon, billy club, or knife, as is the case with a conventional concealed carry license.

C. Schools\(^{11}\)

1. On School Grounds
   a. It is illegal to carry a firearm or dangerous weapon on school grounds, with or without a concealed carry license, with the following exceptions:
      (1) For use in a program approved by a school in the school zone,\(^{12}\)
      (2) In accordance with a contract entered into between the school and the individual or an employer of the individual.\(^{13}\)
      (3) By a law enforcement officer acting in his or her official capacity.\(^{14}\)
      (4) Off duty officer in good standing with their respected department.
      (5) Former officer/out of state officer in good standing able to conceal carry.

\(^{10}\) 941.23(2)(c)

\(^{11}\) Only exceptions applicable to schools in the Village of Holmen are listed.

\(^{12}\) 948.605(2)(b)1m

\(^{13}\) 948.605(2)(b)1m

\(^{14}\) 948.605(2)(b)1m
(6) The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle. 

(7) By a state-certified commission warden acting in his or her official capacity.

2. Within 1000' Feet of School Grounds
   a. It is illegal to carry a firearm within 1000' of school grounds unless the person has a valid Wisconsin concealed carry license, an out-of-state license, or is subject to one of the exceptions (above) for carrying on school grounds.
   b. It is lawful on private property that is not part of school grounds

D. Taverns and Other Class B Establishments
   1. No one may possess a handgun in a tavern or any other establishment with a license to sell alcohol beverages for consumption on-site unless they have a Wisconsin concealed carry license or valid out-of-state license; are a law enforcement officer; a correctional officer in the line of duty; a member of the US armed forces or national guard in the line of duty; a private security person meeting certain criteria; or the tavern licensee, owner or manager or their authorized employee or agent.
   2. A person who is permitted to carry a weapon into a Class B establishment may not consume alcohol beverages on the premises.
   3. It's a crime for any person to possess a firearm while under the influence of intoxicants, which has been defined as materially impairing the ability to handle a firearm after consuming "an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand..."

E. Village Property
   1. Unless posted, weapons are permitted in village parks and buildings, except for the Police Department.
   2. The Village Board may promulgate rules for posting village buildings and other Village property as permitted by statute.

F. Private Property
   1. A person may carry a weapon, including an electric weapon, whether open or concealed, in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, with or without a concealed carry license. The person may not violate other laws such as illegal discharge, reckless use, etc.
   2. The owner of private property can prohibit weapons by giving verbal notice or by the posting of signs in accordance with statute.

15 948.605(2)(b)3a and b
16 948.605(2)(b)2m
17 968.605(2)(b)1,2,3m and 948.605(2)(b)1r
18 941.237(2) and (3)(a)-(cx).
19 941.237(3)(cx)
20 941.20(1)(b)
21 WI Jury Instruction-CRIMINAL 1321
22 941.23(2)(e) and 941.295(2)(d)2.
23 943.13(1m)(c)
a. A person who rents an apartment or condominium unit, or is visiting a condominium, can be cited for violating a notice by the apartment owner or condominium association regarding weapon possession in common areas.

b. The owner of a condominium unit has an ownership interest in the common areas and cannot be cited for violating a posting; it’s a civil matter between the person and the condo association.

II. POLICE PROCEDURE

A. Open Carry

1. Persons openly carrying a weapon should not be detained unless an officer has reasonable suspicion that the person has committed or is about to commit a crime.
   a. Under the Community Caretaker Doctrine, an officer may detain and question someone whose behavior could cause a reasonable person to believe that the person is a danger to himself or others. However, this behavior cannot be the mere act of carrying a weapon.

2. Although an officer may ask such things as why the weapon is being carried, ask the person for identification, or ask to inspect the weapon, the person is not obligated to answer and may not be coerced into doing so.

B. Concealed Carry

1. Officers can ask a citizen whether he/she is a CCW license holder. The officer may request a showing of the CCW license if the officer is acting in an official capacity and with lawful authority. The officer does not need reasonable suspicion, or probable cause, to ask a lawfully stopped or detained citizen about his CCW statues.

2. If a person found in possession of a concealed weapon claims to have a concealed carry license but can’t produce it, the officer may run a TIME inquiry to confirm that the person has a valid Wisconsin license. Some states can provide this information via NLETS inquiry through Dispatch. The person should be cited for not carrying the permit, but the weapon should not be seized.

3. A person in possession of a concealed weapon who has not been issued a concealed carry license should be cited or arrested for carrying a concealed weapon, and the weapon should be seized. This includes when a person can’t produce the license and a computer check is inconclusive.

C. License Data Base and Confidentiality

1. The license data base may only be used to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card; and 3) to investigate whether a person submitted an intentionally false statement in a license application or renewal.
   a. It’s a crime for a law enforcement officer to access the data base for any other reason. For example, if someone reports that a person is carrying a concealed weapon, the officer must contact the person to determine if he or she has a license; the data base cannot be accessed for this purpose.
   b. If a person is found carrying a concealed weapon after being arrested for an offense other than concealed carry and that person refuses to either provide a license or state if he or she has one, the person should

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24 175.60(12)(b)1b
25 175.60(12g)(a) and (19).
be cited or referred to the District Attorney for carrying a concealed weapon.

2. Information regarding licenses is not considered a public record and must be deleted from department reports prior to release. The department may not store or maintain information regarding an individual that was obtained from the state data base, based on the individual’s status as a licensee or holder of a certificate card. The department may not sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving it based on the status as licensees or holders of certification cards of any individuals involved. 26

D. Weapons Seizure

1. Officers are authorized to impound any weapon, regardless of the legality of the possession, if the officer reasonably believes that the person is not capable of adequately safeguarding it. This includes anytime a person is being transported by Holmen Police Department.
   a. Weapons seized under these circumstances should be inventoried as soon as possible, and should be returned when the owner is capable of accepting custody of them.

2. For the safety of the officer and the weapon owner, no person other than a law enforcement officer shall be allowed inside a Holmen Police Department vehicle while in possession of a weapon.
   a. The officer should explain why this is necessary and advise the person that the weapon will be returned as soon as the owner leaves the police vehicle or police station.
   b. If the person refuses to voluntarily give up the weapon, the person shall not be allowed in a police vehicle.
   c. The weapon should be placed in one of the plastic property bags that are supplied to each squad. The weapon can be locked in the owner’s trunk, the squad trunk, or any place that allows for disarming the person while safeguarding the property and preventing it from being handled by any third party.
   d. Due to the variety of weapons that might be encountered, the weapon should be handled as little as possible and the officer should not attempt to unload it.

E. Tactical Responses

1. General
   a. "High risk contacts" will be handled accordingly regardless of whether the weapon was concealed or open, or the person has a concealed carry license.

2. Person is seen with a concealed weapon; no threatening behavior.
   a. Two officers should be present.
   b. Observe if disorderly or other lawful behavior is taking place, subject is displaying abnormal behavior, or subject is touching or handling the weapon. If none are observed, the officers do not have the authority to demand to see the person’s concealed carry license. While a consensual contact can be made, the benefits of doing so, especially in a public place, must be weighed carefully, since the person doesn’t have to cooperate.

3. Cooperative subject under arrest; is carrying a concealed weapon and has a license; is not touching the weapon.
   a. Two officers should be present.

26 175.60(12g)(b).
b. If the officer is within an arm’s length of the suspect, tactically handcuff the suspect and remove the weapon.

c. If outside of an arm’s length of the suspect, verbally stabilize the suspect using the tactical handcuffing position before moving in to handcuff. Remove the weapon during the search.

d. Consider the severity of the offense, type of crime, physical positioning.

e. The preferred method is to have each officer stabilize each arm of the suspect to reduce the suspect’s ability to access the weapon.

f. One officer may choose to index his/her sidearm while the other officer moves in to deliver a contact shot if justification for deadly force becomes necessary.

4. A detained subject; information still being gathered (example: OWI investigation); suspect is asked and admits to possessing a concealed weapon.

a. Two officers should be present.

b. Make it clear to the subject that you wish to remove his/her weapon, and say, “You are not under arrest; this is for your safety and mine”. Note this in your report.

c. If the officer is within arm’s length of the suspect, tactically handcuff the suspect and remove the weapon.

d. If the officer is outside of arm’s length of the suspect, verbally stabilize the suspect using the tactical handcuffing position before moving in to handcuff and remove the weapon.

e. For a frisk/pat-down of a subject to be warranted, the officer must reasonably suspect that he or she, or another person, is in danger of physical injury from the suspect. For this reason, an officer must articulate in his or her report the reason for the pat-down. Simply legally possessing the weapon alone is not enough on its own.

f. The preferred method is to have each officer stabilize each arm of the subject to significantly reduce the subject’s ability to access the weapon.

g. The officer can return to processing the subject through field sobriety exercises, or continue the investigation, before determining if there is probable cause for an arrest.

5. An uncooperative suspect (with probable cause) or suspect who is believed to be a threat.

a. At least two officers should be present.

b. Inform the person that they are under arrest.

c. Direct the subject to a prone position.

d. If the subject does not comply with verbal commands, the officer should increase the level of force as necessary to obtain compliance. This will include rising from the mode of dialog to: control alternatives, protective alternatives, or deadly force. An officer is not required to follow the order of force in intervention options. The level of force used should be objectively reasonable, but the minimal amount required gaining compliance.

e. Properly handcuff and search the individual.

f. Remove, unload, and secure the firearm.

g. Complete the contact and investigation as normal.

Chief Shane Collins
I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of this department that 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 in undercover operations.

III. PROCEDURES

A. Administration: This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
   1. BWCs 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.
   2. Audio and video recordings also enhance this agency’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.
   3. 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.

B. When and How to Use the BWC

   1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
   2. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. 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 (see items D.1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.

2. Police personnel shall use only BWCs issued by this 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.

3. 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 at periodic intervals 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.

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

5. 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.

6. 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 or Lieutenant.

7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

8. 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.

9. 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 or Lieutenant or designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

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

1. Communications with other police personnel without the permission of the Chief or Lieutenant;

2. Encounters with undercover officers or confidential informants;

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

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

E. Storage

1. 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.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

3. All access to BWC files must be specifically authorized by the CEO or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

5. Mobile video Recording Equipment Policy:

F. Supervisory Responsibilities
   1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
   2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Chief Shane Collins
Purpose

Wisconsin Act 268 and Wisconsin State Statute § 961.37, which became effective on March 18, 2016, creates a duty for law enforcement agencies to submit information to the Wisconsin Prescription Drug Monitoring Program (PDMP) in four specific situations. The situations described in the law are:

1. When a law enforcement officer reasonably suspects that a violation of the Controlled Substances Act involving a prescribed drug is occurring or has occurred.
   - For the purposes of this policy this includes all Schedule 2, 3, 4, and 5 controlled substances.
   - For the purposes of this Policy the term “reasonably suspects” will include information contained in an open investigative case file and will generally not include information which is only contained in an intelligence file.

2. When a law enforcement officer believes someone is undergoing or has immediately prior experienced an opioid-related drug overdose.
   - For the purposes of this policy this includes both prescription and non-prescription opioid controlled substances.

3. When a law enforcement officer believes someone died as a result of using a narcotic drug.
   - For the purposes of this Policy “narcotic drug” refers to all prescription and non-prescription opium drugs.

4. When a law enforcement officer receives a report of a stolen controlled substance prescription.
   - For the purposes of this Policy this includes all Schedule 2, 3, 4, and 5 controlled substances
   - PDMP reporting process shall be completed by law enforcement officers.

I Procedure
When any of the above situations occur, the law enforcement agency is required to submit to the PDMP the applicable data from the list below:

1. The name and date of birth of the individual who is suspected of violating the Controlled Substances Act.
2. The name and date of birth of the individual who experienced an opioid-related drug overdose.
3. The name and date of birth of the individual who filed the report of a stolen controlled-substance prescription.
4. The name and date of birth of the individual for whom the prescription drug involved in the suspected violation, drug overdose, or death was prescribed.
5. If a prescription medicine container or prescription order was in the vicinity of the suspected violation, drug overdose, or death or if a controlled-substance prescription was reported stolen, the following:
   - The name of the prescriber
   - The prescription number
   - The name of the drug as it appears on the prescription order or prescription medicine container.

II Method

In order to meet the reporting requirements the PDMP has developed a reporting form. The form is attached to this Policy and can also be located on Wilenet.

When it is determined that one of the four situations applies the officer shall complete the PDMP reporting form and forward the form to the PDMP. If the incident results in opening a formal report the form will be filed with the report. If a formal report is not opened the form will be filed with Administrative Assistant.

Officer must create an account using the below link
https://pdmp.wi.gov/

Shane Collins
Police Chief.
Purpose

The intent of the following policy and procedural guidelines is to establish guidelines and regulation governing utilization of Naloxone administered by the Holmen Police Department. The objective is to treat opioid overdoses/exposures and reduce fatal opioid overdoses.

Policy

Naloxone will be issued to all Officers for the treatment of victim drug overdoses or Officer Exposures. A patrol unit should be dispatched to any call that relates to a drug overdose. The goal of the responding officers is to provide immediate assistance via the use of naloxone where appropriate, to provide any treatment commensurate with the training as a first responder, to assist other EMS personal on scene, and to handle any criminal investigations that may arise.

Definitions

**Opioid:** An opioid is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opioid drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Police officers often encounter opioids in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin, Percocet and Percodan) and hydrocodone (Vicodin).

**Naloxone:** Naloxone is an opioid antagonist that can be used to counter the effects of opioid overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan.

**Poor Responsiveness** – Unresponsive: OR, displays an extremely altered level of consciousness where the victim is alert ONLY to painful stimulus and is NOT able to maintain adequate respiratory effort.
Poor Respiratory Status – Inability to maintain adequate respiratory effort (i.e., SLOW breathing that is less than eight (8) breaths/minute): OR, displays signs of cyanosis (i.e., bluish or purplish discoloration of the skin due to lack of oxygen)

Medical Director Physician: The Medical Director Physician, herein after referred to as MD, shall be a designated Medical Doctor who is licensed to practice medicine in Wisconsin. The Holmen Police Department shall maintain an affiliation with the MD.

Procedures

A. When an officer of the Holmen Police Department has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the patient is suffering from an opiate overdose, the responding officer should administer naloxone in accordance with training. Naloxone should be administered to the patient by way of one Naloxone HCl auto-injector, or nasal spray. If there is NO effect or response noted after (3-5) minutes from administration from an auto-injector, a second auto-injector should be used if available. If nasal spray form of Naloxone is available, one dose of 4 milligrams should be administered to patient by way of the nasal passage.

The following steps should be taken:

1. Officers shall use universal precautions.

2. Officers should conduct a medical assessment of the patient, to include taking into account statements from witnesses and/or family members regarding drug use.

3. If the officer makes a determination that there has been an opioid overdose, + poor responsiveness + poor respiratory status; the naloxone kit should be utilized in accordance with training.

4. While using the auto-injector kit of naloxone, it should be administered to the patient by way of the injection point being either of the patient’s thighs. If using nasal form of naloxone, one dose should be administered to either nasal passage. The 0.4mg nasal form will have a quicker response by the patient than the auto injector. If the nasal is blocked by blood or other debris, the naloxone will not be affective.
5. Officers should be aware that a rapid reversal of an opioid overdose may cause projectile vomiting by the patient and/or violent behavior. To prevent harm to the patient or officer do to violent behavior, handcuffing or other types of restraints prior to using Naloxone (Narcan) can be an option.

6. The patient should continue to be observed and treated as the situation and the Officers level of EMS training dictates.

7. The treating officer shall inform incoming EMS about the treatment and condition of the patient, and shall not relinquish care of the patient until relieved by a person with a higher level of training.

8. Under no circumstance shall an overdose victim treated with naloxone by Holmen Police Officers be allowed to leave or refuse treatment.
   a. The effects of naloxone can only last for a limited period of time requiring follow up medical care.
   b. If an overdose patient is medically cleared by EMS after administering NARCAN and no other circumstances exist that would require further medical treatment, the patient can be released. If the patient is in need of further medical care per EMS the patient will be transported by EMS. If the Patient refused the recommended medical care by EMS, the patient can be placed on a chapter 51 hold.

B. Reporting
   A complete incident report of the event shall be completed by the treating officer, or the primary responding officer, prior to the end of his shift.

C. Equipment and maintenance
   1. It shall be the responsibility of officers to inspect naloxone kits prior to the start of each shift to ensure that the kits are intact. Naloxone kits shall be the responsibility of the officer they are issued to. While on patrol duty, the Naloxone kits shall be either on the officer’s person or in their squad bag. Officers serving in assignments other than patrol will be issued Naloxone kits but it is recognized that these kits might not be carried at all times.
a. Naloxone kits shall not be exposed to extreme temperatures or stored in squads.
b. When not in use, naloxone kits will remain secured at all times.

2. Damaged equipment shall be reported to a shift supervisor immediately.

3. The Lieutenant or designated officer by the Chief will maintain a written inventory documenting the quantities and expirations of naloxone, replacement supplies, and a log documenting the issuance of replacement units.

D. Replacement
Officers shall immediately replace naloxone kits that have been used during the course of a shift. New kits will be issued by a supervisor as necessary.

E. Training
Officers shall receive a training course which complies with Wisconsin Statute 256.40(3) and approved by the MD and the Department prior to being allowed to carry and use naloxone. The Department shall provide refresher training every two years.

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

__________________________
Shane Collins
Chief of Police

08/05/2017
175.403 Trespassing: arrest and removal.

(1) In this section:
   A. “Law enforcement agency” has the meaning given in S. 165.83(1)(b).
   B. “Law enforcement officer” has the meaning given in L. 165.85(2)(c).

(2) Wis. Stat. § 175.403 (2) states that “[e]ach law enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14 [criminal trespass]. The policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.”

943.14 Criminal trespass to dwellings.

(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.

History: 1977 c. 173:2015 a.176
Criminal trespass to a dwelling is not a lesser included offense of burglary. Raymond v. State, 55 Wis. 2d 482, 198 N.W.2d 351 (1972)
Regardless of any ownership rights in the property, if a person enters a dwelling that is another’s residence, without consent, this section is violated. State v. Carls, 186 Wis. 2d 533, 521 N.W.2d 181 (Ct. App. 1994).
Entering an outbuilding accessory to a main house may be a violation. 62 Atty. Gen. 16

Policy:

Wisconsin State Statute § 175.403, “trespassing: arrest and removal,” requiring law
enforcement agency shall have a written policy regarding the investigation of complaints alleging a violation of s. 943.14 “criminal trespass to dwelling.” Wisconsin State Statute § 175.403 further states that the policy shall require a law enforcement officer who has probable cause to arrest a person for a violation of s. 943.14 to remove the person from a dwelling.

**Purpose:**

The purpose of this Policy & Procedure is to provide guidance for members of the Holmen Police Department to ensure compliance with Wisconsin State Statute requirements regarding criminal trespass to dwellings, arrest and removal.

**Procedure:**

I. A law enforcement officer shall not remove a person from dwelling in a landlord-tenant dispute or a dispute between residents, pursuant to Wis. Stat. §175.403 (2), unless:

   a. The law enforcement agency or law enforcement officer has received a complaint alleging a violation of the criminal trespass statute; and,

   b. The officer has probable cause that the person to be removed is committing a violation of the criminal trespass statute.

II. Adherence to this policy is required because the department and officers may be liable for unlawful evictions. *Wolf-Lillie v. Sonquist*, 699 F.2d 864, 872 (7th Cir. 1983) (upholding a sheriff’s liability for his department’s pattern and practice of not following Wisconsin’s civil eviction process).

III. As detailed below, an officer should understand:

   - A person may be a tenant with legal rights to remain on the premises, even if that person is not named in a written rental agreement. Removing a person simply because the person is not named in a written rental agreement could result in the officer effecting an unlawful eviction.
   - A person may be lawfully present on the premises because the person is an allowable guest. The officer must determine whether the person had consent to enter or remain in the dwelling.
   - The person should not be removed unless the person’s unlawful entering or remaining on the premises tends to create or provoke a breach of the peace. Good faith landlord-tenant disputes or genuine uncertainty about a person’s status a tenant tend not to create or provoke a breach of the peace because the civil eviction process is designed to peaceably resolve these issues. When a person breaks into a vacant residence and “squats,” a breach of the peace is more likely to occur.
IV. As outlined below, in many landlord-tenant situations, investigating whether or not an individual is a tenant is factually complex. It is the policy of this agency to investigate alleged violations of Wis. Stat. § 943.14; however, these investigations shall not take priority over critical victim and community protection priorities, such as investigating and responding to violent crimes.

V. Because establishing probable cause in landlord-tenant situations is factually complex, if probable cause cannot be established after a reasonable investigation, the officer shall not remove the individual and shall refer the complaining party to the civil eviction process.

VI. In order for a law enforcement officer to have probable cause that a person is committing a violation of the criminal trespass statute, the officer must establish probable cause as to each element of trespass.

   a. Is the person a tenant?: As an initial matter, the officer must establish that person alleged to be committing the violation is not a tenant who has a legal right to remain on the property.

      i. Legal Background

         Under Wisconsin law, the absence of the person’s name on a written rental agreement does not establish that the person is not a tenant.

         1. A tenancy may be created by verbal agreement between the landlord and the tenant. Wis. Stat. § 704.01(3m). Like other forms of tenancy, a tenancy established under a verbal rental agreement may only be terminated with proper notice and through the civil eviction process. Therefore, a person who is a tenant and who has not been evicted by the sheriff through the civil eviction process is not trespassing.

         2. Further, a tenancy at will is created when a person resides in a dwelling “with permission of the tenant’s landlord without a valid lease and under circumstances not involving the periodic payment of rent.” Wis. Stat. § 704.01(5). Therefore, someone may be a tenant, even if the person does not pay rent on a regular basis. Once a tenancy at will is established it may only be terminated with proper notice and through the civil eviction process. Therefore, a person who is a tenant at will and not evicted by the sheriff through the civil eviction process is not trespassing.
ii. **Steps to Investigation.** In order to establish probable cause that a person is not a tenant, an officer must do all of the following:

1. Establish probable cause that no written or verbal lease agreement existed between the person and landlord nor between the person and any agent of the landlord.
   a. Ordinarily, this would require interviewing the landlord, the landlord’s agents, the alleged trespasser and any other individuals, such as other residents, who may have knowledge as to the existence of a written or verbal rental agreement.
   b. Reviewing any written lease agreements may be helpful, but the existence or absences of a written agreement does not establish that a separate verbal agreement did not exist.

2. Establish probable cause that the person is a not a tenant at will.
   a. A tenancy at will exists whenever the person resided at the dwelling with the permission of the landlord. The existence or absence of a written rental agreement is generally not relevant to whether or not the person is a tenant at will. To establish the existence or absence of permission, in addition to interviewing relevant individuals, the officer shall investigate all of the following:
      i. Whether the person lived at the dwelling for a length of time as evidenced by:
         1. The presence of the person’s belongings, such as clothes, appliances and other possessions; or,
         2. Whether or not the address of the dwelling is listed on the person’s mail, ID or other documents.
ii. Whether the landlord or landlord’s agent knew of the person’s presence at the dwelling and agreed to the person’s presence or did not object to the person’s presence, as evidenced by:

1. Whether or not the landlord or landlord’s agent had occasion to learn of the person’s presence during maintenance or other visits to the property;

2. Whether or not the landlord or landlord’s agent accepted rent from the person; or,

3. Other relevant information.

b. For persons who are not tenants did the person intentionally entering or remaining without consent. In other words, is the person a guest?

i. Did the person intentionally enter or remain in the dwelling of another without the permission of a person lawfully present? For persons who the officer has established probable cause to believe are NOT tenants, the officer must proceed to consider whether there is probable cause to believe the person intentionally entered or remained in the dwelling without the consent of some person lawfully upon the premises.

ii. Or, if no person is lawfully upon the premises, did the person intentionally enter or remain in the dwelling of another without the consent of the owner of the property that includes the dwelling? For persons who the officer has established probable cause to believe are NOT tenants, and when no person is lawfully upon the premises, the officer must proceed to consider whether there is probable cause to believe the person intentionally entered or remained in the dwelling without the consent of the owner of the property that includes the dwelling.

c. Was the non-consensual entry or remaining on the premises under circumstances that tend to create or provoke a breach of the peace? Criminal trespass under Wis. Stat. § 943.14 requires more than non-
consensually entering or remaining on the dwelling. The person must enter or remain under circumstances that tend to create or provoke a breach of the peace.

An example of a circumstance that tends not to create or provoke a breach of the peace is when a person establishes a dwelling as his or her residence and with the permission of tenant or property owner and later remains on the property with the belief that he or she is a tenant. Wisconsin law contains a civil legal process for handling these situations, which landlords typically use. Landlord-tenant situations which are typically peaceably resolved by the civil legal process are not circumstances that tend to create or provoke a breach of the peace.

An example of a circumstance that may tend to create or provoke a breach of the peace is when a person unlawfully enters a vacant dwelling. In this situation, it is reasonable to expect that neighbors or the owner of the property may be concerned. Particularly if the person who entered the vacant dwelling is confronted and refuses to leave, the circumstances would tend to create or provoke a breach of the peace.

Because creating or provoking a breach of the peace is an element of criminal trespass, it is the policy of this department not to arrest persons in landlord-tenant situations when the person did not enter or remain in the dwelling under circumstances that tend to create or provoke a breach of the peace.

If an officer is sent to investigate a violation of sec. 943.14 (criminal trespass) and, based on his or her investigation, establishes probable cause that the person present (1) is not a tenant, (2) entered a premises or remains on a premises without consent of a tenant or landlord, and (3) that entry or remaining is tending to create or provoke a breach of the peace, the officer shall remove the person from the premises.
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: CONFIDENTIALITY OF CHILD ABUSE CASES  NUMBER: 2.1
SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL  REVIEWED: 06/22/20

POLICY
In order to ensure the confidentiality of the identity of reporters of abuse or possible abuse or neglect or possible neglect and to ensure compliance with Wisconsin State Statute 48.981, the dissemination of information in reports will be done as follows.

PROCEDURE
The author of any report which contains any information that is required by law to remain confidential shall upon completion of the report, make a copy of the original and on the copy shall “black out” the area or information which is required to remain confidential. The blacked out copy will be the source of information for any lawful request for copies of reports. The only persons that may be provided with copies of the original report will be law enforcement, district attorney and department of social services personnel who have substantiated a need for the information. The subjects of the report (which include the parent, child, or perpetrator) shall only be provided with the “blacked out” copy. Information regarding the reporter which is confidential by law and which must be “blacked out” along with victim(s), parent, perpetrator, includes the following:

1. the name
2. the age, gender or race
3. the address
4. the telephone number
5. the relationship and length of relationship between the reporter and: the child, the child’s family or the perpetrator
6. the location (such as: place of employment, school city or area of the city)

Any other persons authorized under Wisconsin State Statute 48.981(7) who request copies of reports must be approved by the Chief or Lieutenant.

DISCLAIMER
This policy is for internal use only and doesn’t enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in civil or criminal cases.

Chief of Police
Shane Collins
PURPOSE: The purpose of this Policy & Procedure is to provide officers with guidelines for recognizing instances and accepting reports of child abuse and neglect and coordinating the investigation of such cases with the appropriate County Child Protective Services agency and District Attorneys’ offices.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. COUNTY HUMAN SERVICES DEPARTMENTS
IV. PROCEDURES

I. POLICY

Child abuse and neglect has been traditionally regarded as the principal responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death, involve known offenders. It is the position and policy of the Holmen Police Department that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and law enforcement agencies, and, further, that under certain circumstances, arrest and criminal prosecution are appropriate and the preferred approach to the problem from a preventive standpoint. Once the child’s safety has been ensured, the primary responsibility of this agency is to determine whether a crime has been committed and then to identify the responsible party. All reports of child abuse and neglect shall be thoroughly investigated in accordance with this policy and appropriate measures taken consistent with state law that will best protect the interests of the child.
II. DEFINITIONS

**ABUSE:** Has the meaning specified in WI §48.02(1)

**CHILD:** Has the meaning specified in WI §48.02(2)

**CAREGIVER:** Has the meaning specified in WI §48.981(1)(am)

**NEGLECT:** Has the meaning specified in WI §48.02(12g)

III. COUNTY HUMAN SERVICES DEPARTMENTS

A. Pursuant to interagency agreements, the La Crosse County Department of Human Services, Child Protection Services (CPS) will work cooperatively with Holmen Police Department (HPD) where the nature of abuse or neglect reported indicate that criminal charges may be considered:

B. The County Departments of Human Services may request the assistance of the HPD in cases where there is:

1. A safety concern because:
   a. Knowledge of the family indicates an investigating worker may be at risk (the family is unpredictable or has threatened violence).
   b. The investigation will be conducted after normal hours.
   c. There is reason to believe there is violence in progress.
   d. There is reason to believe there may be retaliation against the child after the interview.

2. Difficulty in gaining access to family members because:
   a. The worker has been denied access to the child or entry to the home.
   b. There is reason to believe the caretaker or perpetrator may flee.
   c. The family’s lack of cooperation has made it impossible to conduct a meaningful investigation.

3. A need to utilize the skills and/or authority of law enforcement because:
   a. Protective custody of a child may be necessary.
   b. There is a need to enforce a court order.
   c. Assistance in gathering or preserving evidence is needed

4. The young of our society are its future and as they may be defenseless in the face of danger, members of the Department shall follow the policy and procedures established below when dealing with child abuse and/or neglect.

IV. PROCEDURES

A. Officers are deemed a mandatory reporter of actual or suspected child abuse or neglect, as required by WI §48.981(2)(a)29.
B. Complaints may be received from numerous sources, including relatives, clergy, nurses, physicians, teachers, school employees, neighbors, the child involved, or they could be initiated by the police officers themselves.

1. Officers shall respond to and record all reports of child abuse, neglect, and abandonment irrespective of the source or method of reporting and obtain the following information, if not already collected by the dispatcher, when reasonably possible:
   a. Child’s name, age, and address
   b. Present location of child
   c. Parent’s/guardians’ names and addresses
   d. The school the child attends, if applicable
   e. Complainant’s name, address, and relationship to child, however they may remain anonymous)

2. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as
   a. The physical condition of the child;
   b. A description of any abusive or neglectful behavior;
   c. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that demonstrate or suggest parental inability to care for the child;
   d. Description of suspicious injuries or conditions;
   e. The nature of any statements made by the child concerning parental maltreatment; and
   f. Any evidence of parental indifference or inattention to the child’s physical or emotional needs.

3. Complaints of child abuse are investigated as soon as possible, not only to protect the child, but for the purpose of obtaining evidence. All cases may be referred to La Crosse County CPS Unit 24 hours a day, including weekends and holidays by contacting the on-call CPS worker.
   a. If abuse is apparent, the investigating officer will contact the appropriate County on-call worker. The Officer shall check the physical condition of the child to determine if medical treatment is needed.
   b. If neglect is apparent, the investigating officer will contact the appropriate County on-call worker. The Officer shall check the physical condition of the child to determine if medical treatment is needed.
   c. If a child requires emergency medical treatment an ambulance will be dispatched and the child will be transported to a hospital. The appropriate on-call County CPS worker should be contacted and asked to meet with the officer at the hospital.
d. The investigating officer will document and photograph all apparent injuries of the child and the condition of the surroundings where the child was located and process the evidence as required in Department policy 5.1, Collection and Preservation of Evidence.

C. Investigation of Child Abuse Referrals.

1. Within 12 hours of receiving a report and/or referral specified under WI §48.981(3)(a)2.a.-d. and the investigation was initiated without the assistance of a County CPS Unit, the incident will be referred to La Crosse County CPS, this includes incidents involving non-caregivers.

2. If a referral is received or if an investigation is being made from a previous non-emergency referral, during the regular working hours of Human Services, a Protective Service Intake worker will be called to assist in the investigation.

3. In all cases referred by the County CPS Unit to the HPD, alleged perpetrators will be interviewed, at a minimum, by a HPD officer. This interview should occur within three (3) days where possible.
   a. When possible, all interviews will be conducted by a County CPS Unit worker and a HPD officer who will jointly determine the time and place of the interview. The investigating worker and officer will decide on the role of each official.
   b. Other family members and collateral contacts will be interviewed by the CPS Unit, the HPD, or both, as determined through consultation with each other.

4. The same procedure should be used in taking statements from witnesses, suspects, and victims as in any criminal investigation.

D. Interviewing Child Victims and or Witnesses

1. Forensic interviews are a critical part of the investigative process.

2. Whenever possible, forensic interviews of child victims and/or witnesses should be conducted by personnel properly trained to elicit accurate information from a child while minimizing additional trauma to the child.

3. Child victims and/or witnesses will be interviewed by the Child Advocacy Center (CAC) whenever possible; to reduce the overall number of times a child is interviewed.
   a. Stepping Stones – La Crosse County
   b. HPD soft interview room

E. Background Investigation - Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature
of the complaint and the scope of the abuse. Whenever possible, the following information should be collected as soon as reasonably possible.

1. Information and statements from anyone who was in contact with the child in the past 72 hours.

2. Court protective orders with regard to the child or other members of the family, including those from other states where the child may have lived.

3. Reports from any previous law enforcement contacts, including from other jurisdictions where the child may have lived, attended school, and so forth.

4. Suspect’s criminal record.

5. Documentation (including x-rays and laboratory results) from medical personnel, including family practitioners, emergency room staff, and medical examiners spanning the child’s entire life. Investigators should be aware that certain types of injuries are characteristic of physical abuse, particularly when they do not correlate with parental explanations of how they occurred.

6. Reports from social welfare officers who have come into contact with the child or his or her family members. These agencies may provide information on family background, employment economic and domestic stability, and previous contacts with child protective services agencies.

7. Records of the child’s attendance, grades, demeanor, socialization, motivation, and perceived emotional stability from his or her schoolteachers. Several behavioral indicators are suggestive of child abuse, including:
   a. Recurrent injuries or complaints of parental physical mistreatment;
   b. Marked changes in the child’s behavior or level of achievement;
   c. Strong antagonism toward authority;
   d. Exaggerated reactions to being touched;
   e. Withdrawal from peers or assaultive or confrontational behavior;
   f. Delinquent acts, running away from home, or truancy; and
   g. Refusal to dress for physical education or dressing inappropriately.

8. Information from neighbors or any other individuals who may have personal knowledge of the family situation.

F. Family Interview - Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family.

1. All interviews should be conducted in conjunction with a County CPS worker and a HPD officer. This is especially important if there is reason to believe
that charges may be filed against the parents or others.

2. The interview should be conducted in a non-accusatory, informal, fact-finding manner, and questions should be presented in an open-ended format to allow complete latitude in the response.

3. In determining whether to accept a parent or caretaker’s explanation, officers should consider the following questions. Findings consistent with those in parentheses may indicate a greater likelihood of abuse.
   a. Is it reasonable to believe that the child’s injuries were self-inflicted or accidental given the child’s maturity, manual dexterity, and ability to walk or stand? (No)
   b. Was the parent’s story consistent with other evidence? (No)
   c. Do parents claim ignorance of critical details of the incident? (Yes)
   d. Does the home appear to be clean and well maintained? (No)
   e. Does the family live in a socially isolated environment without the support of neighbors, friends, or family? (Yes)
   f. Do the parents appear to support one another in a positive home environment? (No)
   g. Does there appear to be frequent or ongoing crises in the family? (Yes)
   h. Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)

4. Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should -
   a. Be appropriate to the misbehavior involved but never involve serious bodily injury;
   b. Be consistent with the child’s ability to understand its relevance to acts in question; and
   c. Be administered with prudence and caution rather than recklessly, brutally, or without sufficient regard for the child’s power of endurance.

G. Physical Evidence - Collecting physical evidence, in addition to photographs and/ or videos to document abuse is very important for prosecuting these cases. In this regard, officers should be aware of the following:
   1. A physical examination of the victim relative to the nature of the abuse should be completed by a medical professional (e.g. a SANE nurse within 96 hours of the reported sexual assault).
      a. If appropriate, x-rays should be taken, collected, and preserved.
   2. Whenever possible, investigators should complete a videotaped walk-through of the scene. Photographs of the victim injuries that had been taken and preserved for evidentiary purposes, should be described in writing and
diagrammed.

3. Any instruments that were used in the physical attack should be identified and preserved, as well as any clothing that bears evidence such as blood or semen stains.

4. Any other items that have bearing on the abuse or neglect, such as guns, knives, belts, drugs, poisons, or related items in possession of the suspected perpetrator, should be identified and collected.

5. In sexual abuse cases, investigators should consider obtaining a court order for nude photographs of the suspect, as well as pubic hair samples, and DNA swabs of the suspect’s mouth and genitals. This type of evidence can be crucial in a case where the suspect denies any sexual contact with the victim. The photographs may disclose abnormalities, birthmarks, or tattoos that could corroborate a victim’s account or exonerate a suspect. The pubic hair and DNA samples could likewise corroborate a victim’s account or exonerate a suspect.

H. Removal of the child

1. If during the course of investigation, it is determined that the child must be removed for reasons specified under WI §48.19(1)(c), or (cm) or (d) 5 or 8, the appropriate County CPS on-call worker should be contacted as soon as possible.

2. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse, or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for purposes of protective custody.

I. Incident Reporting

1. It is important that as much evidence as possible is acquired, including verbal statements, as children may change their stories later after they become aware of what can possibly happen to the family as the result of the investigation. The following information should be specifically noted in the report:
   a. The Victim.
      1) Bruises, welts, burns, fractures, and suspected malnutrition, or any condition seriously endangering the child’s physical wellbeing.
      2) General appearance of clothing and body.
   b. Living Environment Conditions.
      1) Be specific as to cleanliness, disarray, with temperature extremes, amount or lack of food, etc.
      2) Conditions of rooms, beds, floors, refrigerator, cupboards, and closets;
2. Photographs of the child’s injuries and living conditions of the home are a permanent record and may be critical for later court action.

3. The County Department of Human Services will have access to the officer’s reports and photographs/video, upon request.

4. The HPD and the County CPS Unit will exchange any information contained within their case records.

J. Referral to the District Attorney’s Office.
   1. All cases of suspected or threatened child abuse/neglect shall be referred to the La Crosse County District Attorney’s Office for criminal prosecution.
   2. The following types of reports of suspected or threatened abuse will routinely be referred to the district attorney for criminal prosecution (as specified in WI §48.02(1)(b) to (f)).
      a. Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085
      b. A violation of s. 948.05 (Sexual exploitation of a child)
      c. Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
      d. A violation of s. 948.055 (Causing a child to view or listen to sexual activity)
      e. A violation of s. 948.10 (Exposing genitals or pubic area)

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 10/30/2016
Appendix A

Injuries Indicative of Abuse

1. “Pattern” injuries that may be linked to specific objects used in an attack such as hot irons; coat hangers; fingertip marks caused by tight gripping; straight, curved, or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks.

2. Injuries to specific body parts such as the genitals, buttocks, or rectum as well as trauma to the torso, upper arms, and thighs in the absence of other injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead.

3. Injuries on two or more planes of the body, for example, on the buttocks (rear plane) and stomach (front plane).

4. Injuries in various stages of healing.

5. Bone fractures of small children and related injuries that are inconsistent with the child’s level of maturity and risk of injury, including
   a. spiral fractures (suggesting vigorous twisting);
   b. fractures to the rear and upper skull (suggesting blows to the head);
   c. subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash); and
   d. fractures of long bones and joints that are suggestive of violent pulling, twisting, or jerking of the extremities.

6. Burns with symmetrical, well-defined edges and a uniform degree of severity, which often indicate immersion.

7. A history, pattern, or extent of injury that does not correlate with the alleged cause or means of injury;

8. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians, and prior diagnosis of “failure to thrive”.

9. At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.

Shane Collins
Police Chief
PURPOSE: The purpose of this Policy & Procedure is to establish guidelines, policies and procedures for electronic recording and the associated use, management, storage and retrieval of recordings of custodial questioning. This policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest quality evidence possible is obtained from custodial interviews.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

Electronic recording provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. To maximize the effectiveness of electronic recording and the integrity of audio and/or video documentation, officers assigned the use of recording devices shall adhere to the operational objectives and protocols outlined in this policy. For purposes of this policy, there shall not be a distinction between the terms "questioning", "interviews" and "interrogations".
II. DEFINITIONS

**ANALOG RECORDING:** An electronic recording typically stored on a VHS, cassette or micro-cassette tape.

**AUDIOVISUAL:** A recording with both video and audio.

**CUSTODIAL INTERROGATION:** Has the meaning found in WI §968.073(1)(a)

**DIGITAL RECORDING:** An electronic recording typically stored on a CD, DVD or microchip, being recordings that can be viewed and stored on a computer.

**ELECTRONIC RECORDING:** A visual and/or audio recording using digital or analog storage format.

**RECORDED MEDIA:** Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, etc.).

III. PROCEDURE

A. Electronic recording is intended:
   1. To accurately capture statements and events during the course of a custodial questioning;
   2. To enhance the ability to document and review statements and actions for internal reporting requirements and for courtroom preparation and presentation;
   3. To capture visual and/or audio information for use in current and future investigations.
   4. To document acknowledgment of and rigid adherence to suspects' rights and the law;
   5. To allow the questioning process to become part of the investigation's collection of information, rather than simply a means to secure an admission or a confession;
   6. To allow the opportunity to review the process that led to the confession or admission; and
   7. To preserve the integrity of officers and the investigative process.
B. Recording Recommended.
1. Whenever possible and practical, officers should electronically record all custodial questioning. Recording should begin at the start of questioning and continue without interruption until questioning ends. Officers should record anytime they would normally advise constitutional warnings, regardless of where the questioning occurs – “A Miranda moment is a recording moment.”

2. Whenever possible and practical, officers should electronically record all interviews with suspects and witnesses.

3. Recording may not be possible if:
   a. The recording device does not work and there is no other device reasonably available;
   b. The officer operating the recording device inadvertently fails to operate it properly;
   c. During the interrogation, the recording device malfunctions without the officer's knowledge; or
   d. A person makes a statement to law enforcement spontaneously or in response to a routine booking question.
   e. The suspect refuses to speak while being recorded (in general, officers should only conduct unrecorded questioning based on a suspect's refusal if the refusal itself is recorded).

4. Digital audiovisual recording is preferred when possible and practical. Digital audio-only and/or analog recording, however, is acceptable.

C. It is the responsibility of this Department to ensure that audio and/or video recording equipment is available and properly set up according to its manufacturers’ recommendations.

D. Department personnel are responsible for inspection and general maintenance of equipment assigned.
   1. Malfunctions, damage or theft of equipment shall be reported to the police chief or his/her designee promptly if recording equipment fails or malfunctions. Officers will document the malfunction through a department email and will include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.

E. Recording is mandatory for: (6.6.4.1)
   1. Any custodial questioning of juveniles for an offense that could be a crime if prosecuted under the Wisconsin Statutes.
2. Any custodial questioning of adults [persons seventeen (17) years of age or older] for a crime that is a felony.

3. Any situation or incident that the officer, through training and experience, believes should be audibly and/or visually recorded.

F. Court Proceedings – Pursuant to WI §972.115, failure to record in adult felony cases may result in a jury instruction stating that electronic recording is statewide policy and that the failure to record can be considered in evaluating the evidence surrounding the making of a statement.

In juvenile cases, the failure to record custodial interrogations may result in suppression of unrecorded statements.

G. Operation of the Equipment.
   1. To help ensure accuracy and consistency of accounts, officers shall review recordings when preparing written reports of events.
   2. With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with recordings.
   3. Officers shall not erase, alter, reuse, modify or tamper with recordings. Only the police chief or his/her designee may erase and re-issue previously captured recordings and even then may only do so pursuant to the provisions of this policy.
   4. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the police chief.
   5. Recordings shall be marked as containing evidence and then submitted to the property officer to be held and/or duplicated for criminal prosecution in accordance with Department Policy 5.1, Collection and Preservation of Evidence/Property.
   6. Except as previously noted, when recording equipment is activated to document an event, the equipment shall not be deactivated until the event has been concluded. Gaps in electronic recording could invite allegations of misconduct.
   7. Voice activated equipment should be avoided since a recorded event should be an accurate documentation of what happened.

H. Duplication of the Recorded Media.
   1. All recording media, recorded images and audio recordings are the property of the Department.
2. Unofficial or unauthorized dissemination outside of the agency is strictly prohibited without specific written permission of the police chief.

3. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the police chief or his/her designee.

4. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

5. At the conclusion of any trial proceedings or as otherwise authorized by the prosecutor’s office for which the media was required, all copies shall be submitted to the police chief or his/her designee for retention and storage.

I. Consider Giving Notice or Obtaining Consent for Recording.

1. Law enforcement authorities are not required to inform adult or juvenile suspects of recording.

2. Lack of consent to recording does not affect the admissibility of a recorded statement.

3. Giving notice of recording can foster public trust in law enforcement.

4. Officers should trust their discretion about whether a particular suspect is likely to be inhibited by notice of recording.

J. The Role of Written Interview Summaries.

1. Officers shall continue to prepare incident narrative reports of interviews and continue to obtain written statements from suspects. Electronic recording is not a substitute for traditional methods of memorializing interviews.

2. Defendants might not dispute the questioner’s version of what occurred during an interview, and some cases might be resolved based on written reports alone, thus minimizing the costs of copying or transcribing recordings. Written statements are important because they can provide clear and concise evidence of guilt. Statements also tend to demonstrate that incriminating statements were made voluntarily. It is not necessary for written statements to include all the details of an interview; it is sufficient to summarize the relevant portions.
IV. ADDITIONAL JUVENILE CONSIDERATIONS

A. All interrogations, interviews, and questioning of juveniles shall be conducted in a manner to ensure the protection of the juvenile’s constitutional rights; the same rights as afforded an adult. Officers shall exercise good judgment in accepting a waiver of rights from a juvenile. The juvenile’s physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and his/her ability to comprehend the meaning and effect of his/her statements shall be carefully evaluated in each case.

B. In cases where a juvenile is a suspect in a criminal matter and requests to speak with a parent or guardian, he/she may be afforded the opportunity to confer with their parent. This is not a requirement by law, however; the decision whether or not to allow contact with a parent may carry considerable weight in determining whether an admission/confession is admissible in court. In all instances in which there is a difference of opinion between a juvenile and his/her parents or guardian regarding whether or not the juvenile will agree to speak with police regarding a suspected criminal offense and the juvenile has a rational capacity to pursue his/her best interest, the juvenile’s wishes will prevail. (6.6.4.2)

C. All custodial interrogations of juveniles must be electronically recorded when feasible, and without exception when questioning occurs at a place of detention. This should also include Village ordinance violations along with any criminal matters.
   1. Audio taping is sufficient to satisfy this requirement, videotaping is preferred. Videotaping may provide a better picture of what transpired during the interrogation. All interview/interrogations conducted at the Holmen Police Department will be done in the interview room.
   2. If the interview cannot be conducted in the interview room because the room is in use, it may be conducted in a conference room and an audio recording will be made.
   3. It is recognized that interviews may be conducted at other locations such as schools or the juvenile’s home. These interviews should be electronically recorded.
      a. It is preferred that interviews take place at the juvenile’s home.
      b. If it becomes necessary to interview at schools
         1) Police officers have no absolute right to enter the school premises and demand to interrogate any pupil.
         2) On arrival at a school, officers should contact the school administrator or his/her designee, and the SRO, stating the purpose of his/her presence prior to personally requesting information, interviewing, or
taking a juvenile into custody.

3) As a general rule, students should only be questioned in a private room or office and in the presence of a representative of the school. School officials should limit their numbers in attendance and participation at these interviews.

4) Officers should make all attempts to abide by school district rules pertaining to law enforcement related dealings with students.

4. Interrogations shall not be unreasonable in length. When questioning a juvenile, officers shall not prolong the interrogation beyond what is needed in order to complete the investigation, with no more than two officers present. When appropriate, parents will be advised of the results of the interrogations. (6.6.4.3)

5. During the course of the interview/interrogation, the officer shall attempt to answer questions, as well as explain department and juvenile justice system: procedures to the juvenile offender and his/her parent/guardian.

6. All interviews whether adult or juvenile should contain the following Information:

   The interviewing officer shall begin the recording by stating the following:

   - Incident Report Number
   - Location of the Interview
   - Officer's First and Last Name
   - Juvenile's / Adults Full Name
   - Names of Everyone Else Present
   - Date
   - Beginning Time of Interview
   - The officer shall advise the juvenile / Adult of his/her Miranda warnings, when required by law.
   - Conduct the Interview
   - Once the interview is completed the officer shall close with the ending time of the interview.
Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 05/03/2016
This order gives procedures for taking juveniles into custody.

**POLICY**

It is Department policy to protect citizens from juvenile crime; hold each juvenile offender directly accountable; provide due process to juveniles to assure that their rights are upheld; and to ensure that victims/witnesses are afforded rights, and are treated with dignity, respect, courtesy and sensitivity.

**PROCEDURES**

A. **Juveniles Engaged in Non-Criminal Misbehavior/Status Offense**

   Taking a Juvenile into Custody for a status offense; officer believes on reasonable grounds that any of the following exists:

   1. Runaway from parents/guardian/custodian.
      a. When taking a runaway report, complete a Missing Persons Report, route a copy to dispatch (LEDC) for (TIME/CIB/NCIC) data entry
      b. Runaways may be taken into custody.
      c. Unless additional charges/extenuating circumstances exist, the officer will return him/her to parent or guardian.
      d. If circumstances prevent the juvenile from going home; the officer will contact Intake.
      e. Apprehending officers will route a report to (LEDC) dispatch for (TIME/CIB/NCIC) data clearance.

   2. Absent from school without an excuse.

   3. Other status offenses such as curfew and underage drinking shall be addressed with an ordinance citation when appropriate or as directed by the on-duty shift commander.

B. **Juvenile Alleging to Have Been Harmed or In Danger of Harm.**

   1. Taking a Juvenile into Custody; officer believes on reasonable grounds that the juvenile is suffering from illness/injury or is in immediate danger from his/her surroundings and removal is necessary.

   2. Any incident of alleged abuse or neglect will be brought to the immediate attention of juvenile protective services if it is valid or the juvenile has been harmed or is in danger of being harmed. The on-duty shift supervisor shall be notified of the need for protective services and will assist in assessing the situation.

   3. Reports regarding abuse/neglect of children must be stamped confidential.

C. **Protecting Juvenile Constitutional Rights.**

   1. Juveniles are afforded all rights guaranteed to them by the Constitution of the United States. Search of apprehended juveniles will be as with adults. Juveniles will be handcuffed when appropriate.

D. **Referral to Juvenile Intake Workers and the Juvenile Detention Center (JDC) without delay.**

   Intake Workers:
1. Provide services 24 hrs/day, 7 days/week, for screening juveniles taken into custody and not released. NOTE: Intake is to be notified when the arresting officer is REQUESTING detention.

2. Referrals to Juvenile Intake. When juvenile release isn't appropriate, the officer will notify Intake and complete/provide required forms. Parent/guardian/custodian notifications will be in reports. Referral for formal proceedings is restricted to serious criminal conduct/repeated violations. Juveniles may be referred to Intake in the county where the juvenile resides through our Intake.
   a. In-custody referrals must be done by end of duty.
   b. Restitution requests should be noted in the report.

3. Intake determines where the juvenile is to be held.

4. Intake must authorize the secure holding of juveniles; NO juvenile may be placed in secure detention unless:
   a. Interviewed in person by an intake worker; or,
   b. Intake consults with the apprehending officer.

5. Reports used: Juvenile Report (1701), Continuation Report for narrative, and required Intake reports.

E. Parent/Guardian Notification of Custody.
   • The apprehending officer will attempt to notify the parent/guardian/custodian immediately. The attempt will continue until notified or the juvenile is delivered to Intake.

F. Release from Custody
   a. Efforts are made to release the juvenile to his/her parent/guardian/custodian, except if the juvenile:
      1. Has a parent/guardian/custodian who is unwilling/unable to provide supervision; s/he may be released to a responsible adult.
      2. Is 15 or older, s/he may be released without immediate adult supervision.
      3. Violated terms of aftercare supervision, s/he may be released to whomever had aftercare supervision.
      4. Runaways may be released to an authorized home.
      5. Is absent from school, s/he may be released to the school administrator.
      6. Notification procedures above apply for juvenile release
      7. Is not released, the officer will notify Intake.
      8. WI ss. 51/55 govern release relating to physical/mental condition or drug/alcohol impairment.
      9. Juveniles not held in physical custody will be released. If s/he does not present a danger to him/herself/others, they are 15 or older, and it is a minor act, the officer may release them without immediate adult supervision. In incidents where the violation was significant or the juvenile is under 15, they will be released to a parent/guardian/responsible adult. When an officer cannot find a parent, etc, the officer will contact Intake. On taking a juvenile into custody, officer will without undue delay, deliver the juvenile to the individual/agency having authority for child custody under the circumstances, eg. intake, parent, etc.

G. Courts of Criminal Jurisdiction.
   Criminal courts have EXCLUSIVE jurisdiction over ALL of the following:
   a. 940.20(1) Battery by Prisoners.
   b. 946.43 Assaults by Prisoners, in a secured facility,
   c. 940.20(2m) Battery to Probation/Parole Agents.
   d. 940.01 First Degree Intentional Homicide.
   e. 940.02 First Degree Reckless Homicide.
   f. 940.05 Second Degree Intentional Homicide.
   g. A juvenile charged with violating criminal law if s/he was convicted of a previous violation following waiver into adult court or if the charge is still pending.
   h. A juvenile charged with violating criminal law if s/he was convicted of a previous violation in adult court or if such previous violation is pending in adult court.

H. In addition to previously noted incidents, taking a Juvenile into Custody: officer believes on reasonable grounds that any of the following exists:
a. Capias/warrant issued in this state; s/he is a fugitive.

b. Capias/warrant has been issued by another state.

c. Committing/committed a state/federal crime.

d. Violated terms of court ordered/aftercare supervision.

e. Violated an Intake order for temporary physical custody.

f. Violated a civil law/local ordinance punishable by forfeiture, EXCEPT that s/he will be released as soon as reasonably possible.

Chief of Police
Shane Collins
Policy and Procedures
HOLMEN POLICE DEPARTMENT

SCOPE: JUVENILE UNDERAGE ALCOHOL

NUMBER: 2.5

SCOPE: ALL DEPARTMENT PERSONNEL

ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL

REVIEWED: 06/22/20

PURPOSE
To establish a departmental policy and procedure for dealing with the juvenile/underage drinker, to reduce the risk of accidents and/or injuries, and to reduce liability.

POLICY
The policy of the Holmen Police Department is to respond to and investigate all loud party/juvenile/underage drinking complaints.

1. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT OUTSIDE - PRIVATE OR PUBLIC PROPERTY
   a. After receiving a loud party/juvenile/underage drinking complaint, the officer will respond and investigate. Where the party is loud and there is no sign of juvenile/underage drinking, the officer will warn or cite accordingly.
   b. Where the officer finds evidence of juvenile/underage drinking, the officer should call for assistance and make contact with and check those individuals remaining at the scene. The officers should base their findings on their observations of the individuals noting any bloodshot eyes, slurred speech, any staggering or the smell of an intoxicant about their person. The officer should also attempt to get a PBT reading on each individual.
      i. Those juvenile individuals found to be drinking should be cited and detained until they can be released to a parent, legal guardian or responsible adult.
      ii. Those underage individuals (17 to 20 years of age) found to have been drinking shall be cited and released in the event they test below .08 and do not appear to be under the influence.
      iii. Those underage individuals testing .08 or above, and/or appear to be under the influence, should be cited and released to a responsible party, if possible.
      iv. Any juvenile/underage individual found to be incapacitated shall be hospitalized.
   c. An attempt should be made to identify those individuals who may have left the scene by running vehicle registration checks on the vehicles remaining on location.
      i. An attempt should be made to contact the owners and/or the parents of the owners of these vehicles.
      ii. Advise them of the situation and ask them to come to your location and remove the vehicles.
      iii. Advise them that this is to prevent their child or someone else's child from returning to the scene after the officers leave and drive the vehicle away while under the influence.
   d. If you are unable to locate the owner and/or parent, or if contacted and they refuse to come to your location and remove the vehicle, and if the vehicle is found to be parked on private property without consent or illegally parked, it should be towed.
   e. Any juvenile/underage drinker, 20 years of age or younger, must test .00 before being allowed to drive away from the party scene.
2. JUVENILE/UNDERAGE DRINKING

Evidence left at the scene (tappers, cans and bottles of beer, etc) shall be photographed or taken if necessary as evidence.

2. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT INSIDE – PRIVATE RESIDENCE/BUILDING

a. Whenever the officer receives a call of a loud party/juvenile/underage drinking complaint at a private residence/building, the officer will respond and investigate. Where the party is loud and there is no sign of juvenile/underage drinking, the officer will warn or cite accordingly.

b. If there is evidence of juvenile/underage drinking, the officer should, before taking further action, call for assistance, and, if able, wait until assistance arrives.
   i. The officers should then position themselves so as to keep all sides of the private residence/building under surveillance.

c. The officer will then attempt to gain legal entry by asking permission to enter from someone having the authority to grant them permission to enter the residence.
   ii. If permission is denied and the owner and/or responsible adult is not at the residence, the officer should try to make contact with the owner and/or responsible adult who can give the officers permission to enter.
   iii. In the event this fails, the officer(s) should then contact his/her supervisor and a determination should be made as to whether there is probable cause to get a search warrant.
   iv. If probable cause exists, the officer(s) should then contact the District Attorney's Office and attempt to obtain a search warrant (telephonic).

d. Any individual leaving the private residence/building who appears to be a juvenile and/or underage should be stopped and checked and the appropriate action taken.

e. After legal entry has been gained, the officers shall continue their investigation and take appropriate action. This being cite and release or cite and detain as circumstances dictate.

f. Any juvenile/underage individual found to be incapacitated should be hospitalized.

g. In the event any individuals left the scene prior to additional assistance arriving, the officer should try to identify these individuals by the vehicles left at the location.
   i. This can be done by running vehicle registration checks on the vehicles and then contacting the owners or parents of the owners.
   ii. Advise them of the situation and ask them to come to your location and remove the vehicle.
   iii. Advise them that this is to prevent their child or any other child from returning to the scene after the officers leave and drive the vehicle away while under the influence.
   iv. If you are unable to locate the owner and/or parent of the owner, or if contacted and they refuse to come to your location to remove the vehicle, and if the vehicle is found to be parked on private property without consent or illegally parked, it should be towed.

h. Any juvenile/underage drinker, 20 years of age or younger, must test .00 before being allowed to drive away from the party scene.

i. Evidence left at the scene (tappers, cans and bottles of beer, etc) shall be photographed or taken if necessary and placed into evidence.

3. LOUD PARTY/JUVENILE/UNDERAGE DRINKING COMPLAINT INSIDE OR OUTSIDE

a. The above policy and procedure should be adhered to when dealing with any juvenile and/or underage drinking situation.

DISCLAIMER

This policy is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in courts having civil or criminal jurisdiction.

Chief of Police Shane Collins
SUBJECT: MISSING PERSON & JUVENILE INVESTIGATIONS
AMBER ALERT SYSTEM

NUMBER: 2.6

ISSUED: 09/07/2016

SCOPE: All Sworn Personnel
REVIEWED: 06/22/20

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: The National Center for Missing & Exploited Children; WI Missing and Abducted Children Response and Investigative Resource Guide; NCIC Standards

WILEAG 4TH EDITION STANDARDS: 23-6.6.5

INDEX AS: Investigation Procedures for Missing Persons
Missing Adults
Missing Juveniles
Entry/Removal From TIME System
Follow up Investigations
Special Needs Issues
AMBER Alert Requirements/Activation
Supervisory Control and Notification

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines and responsibilities for members of the Holmen Police Department regarding the Department’s response to reports of missing persons.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURES

IV. RECOVERY OF MISSING PERSON AND CASE CLOSURE

I. POLICY

Many missing person reports involve individuals, who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the initial responding officer are critical in identifying the circumstances
surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of the Holmen Police Department that; (1) all reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy; and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.

II. DEFINITIONS

MISSING ADULT: is a person who is 18 years of age or older and whose absence is contrary to his or her normal patterns of behavior and may be due to one or more of the unusual circumstances defined below.

MISSING CHILD: is a person who is younger than 18 years of age and whose whereabouts are unknown to his or her parent, guardian, or responsible party.

UNUSUAL CIRCUMSTANCES: refers to
1. (6.6.5.1) A missing child 13 years of age or younger. This age was established by the federal Missing Children Assistance Act because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation on the streets - or
2. A child or an adult who is missing and believed to be one or more of the items noted below. The zone of safety will vary depending on the age of the child and his or her developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or the route taken between home and school.
   a. Out of the zone of safety for his or her age and physical and mental condition.
      The zone of safety will vary depending on the age of the child and his or her developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child, the zone of safety might be the immediate neighborhood or the route taken between home and school.
   b. Mentally diminished. If the child is developmentally disabled or emotionally disturbed, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm. In the case of an adult; a missing person who is
suspected to have dementia (such as Alzheimer’s) or other mental health issues.

c. Drug dependent. In the case of a child, the term “drug dependent” shall refer to dependence on either prescription or illicit substances, since any drug dependency puts a child at substantially increased risk. In the case of an adult, the term “drug dependent” shall refer to a dependence on legally prescribed medicines vital to the adult’s continued physical well-being. This in no way limits an officer’s discretion in determining exigent circumstances regarding an adult’s use of illicit drugs.

d. A potential victim of foul play or sexual exploitation. Significant risk to the person can be assumed if investigation indicates a possible abduction, violence at the scene of abduction, or signs of sexual abuse.

e. In a life-threatening situation. The environment in which the person is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or simply an outdoor environment in inclement weather for a child or elderly missing person.

f. Absent from home for more than 24 hours before being reported to law enforcement as missing. While some persons may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.

g. Believed to be with persons who could endanger his or her welfare. A missing person in such circumstances is in danger not only of sexual exploitation, but of involvement in criminal activity such as burglary, shoplifting, and robbery.

h. Is absent under circumstances inconsistent with established patterns of behavior. Most children and adults, to some degree, have established routines that are reasonably predictable. Significant, unexplained deviations from those routines increase the probability that the person may be at risk. A child or adult whose disappearance involves circumstances that would cause a reasonable person to conclude that the missing person should be considered at risk.

III. PROCEDURES

A. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this
B. Actions upon determination of unusual circumstances.

1. If it is determined that unusual circumstances are involved in the report of a missing adult or child, the person will be considered at-risk. While all missing-child incidents should be investigated thoroughly, those involving unusual circumstances indicate a heightened likelihood of risk to the child and, therefore, require an intensive response.

2. If appropriate, existing interagency response protocols—including the AMBER Alert System, the WI Crime Alert Network, and/or A Child Is Missing should be activated along with utilizing the Locator Program.
   a. Amber Alert protocols are found on “Amber Alert Wisconsin” web site, [www.amberalertwisconsin.org](http://www.amberalertwisconsin.org), along with required documents.
      1) Amber Alert Criteria:
         a) Child must be 17 years of age or younger
         b) Child must be in danger of serious bodily harm or death
         c) Initiating agency must have enough descriptive information about the child, the suspect(s) and/or the suspect vehicle(s) to believe an immediate broadcast alert will help locate the child
   c. A Child Is Missing is at [www.achildismissing.org](http://www.achildismissing.org)
   d. LOCATER (Lost Child Alert Technology Resources) [www.locaterposters.org](http://www.locaterposters.org)

3. Jurisdictional conflicts are to be avoided when a person is reported missing. If a missing person either resides in, or was last seen in this jurisdiction, the Department will immediately initiate the required reporting process. If a missing person legally resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing-person report, the Department will assume reporting and investigative responsibility.

C. (6.6.5.2) The first responding officer assigned to the report of a missing person shall be responsible for:

1. Responding in a prompt manner to the scene of the report. Even if the assigned officer has been provided with initial information, such as the missing child’s description and other facts about the incident, it would be inappropriate to delay response to conduct a random search by doing things such as circling through parks, checking playgrounds, or stopping suspicious individuals. Unless, in immediate response to the missing child’s safety, these activities cannot be handled by other patrol units.
2. Interviewing the person(s) who made the initial report. The purpose of this interview is to gain an insight into the circumstances surrounding the disappearance and other information needed to conduct an initial assessment of the case. Note: Using a specifically designed missing-person report form to gather information will enable the first responder to more promptly reach an accurate risk assessment.

3. Obtain a description of the missing person. The collection of information about the missing person, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officers who may be assisting in the investigation. Recent photographs and/or videotape should be secured if available.

4. Verifying that the person is in fact missing. In the case of children, first responders should never assume that searches conducted by distraught parents or others have been performed in a thorough manner. Another check of the house and grounds should be made that includes places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures like refrigerators, freezers, and the interior of parked vehicles where limited breathing air may place the child at even greater risk. In the case of older children, first responders should ask if parents have checked with the child's friends or perhaps overlooked or forgotten something the child may have said that would explain the absence. Note: A search of the home should be conducted even if the missing person was last seen elsewhere.

5. If the report is of a runaway 13 or older, with no “at risk” factors:
   a. Complete the Missing/Runaway Form
   b. Obtain a photograph of the missing person.
   c. Have the missing person entered into CIB/NCIC.
   d. Follow-up any immediate leads as to the person(s) location.
   e. Broadcast the missing person(s) description.

6. If the report is of a missing adult under the age of 21 years old:
   a. Complete the Missing/Runaway Form
   b. Obtain a photograph of the missing person.
   c. Have the person entered into CIB/NCIC (there is no waiting period for entry into NCIC).
   d. Follow-up on any leads as to the missing person(s) location.
7. If the report is of a missing adult age 21 or older and circumstances indicate the need for an investigation and entry into NCIC the officer will:
   a. Complete the Missing/Runaway Form
   b. Obtain a photograph of the missing person.
   c. Have the person entered into CIB/NCIC.
   d. Follow-up on any leads as to the missing person(s) location.

8. Confirming custody status. *First responders should ascertain whether a dispute over the child's custody may have played a role in the disappearance. Questions regarding whether the reporting party has full legal custody, if the noncustodial parent has been contesting custody, or if the missing child expressed a wish to live with the other parent, may help an officer gain important insight into the case.* Officers will accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, members of the Department will open a case when it can be shown that the child has been removed, without explanation, from his or her usual place of residence.

9. Identifying the circumstances of the disappearance. *First responders need to ascertain whether the circumstances surrounding a person's disappearance are such that a heightened level of response is warranted. If "unusual circumstances" exist the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing person's safety in mind and act accordingly.*

10. Determining when, where, and by whom the missing person was last seen. *This information is needed to determine factors, such as abduction timeframe, window of opportunity, and verification of previously received information.*

11. Interviewing the individual(s) who last had contact with the missing person. *Effective questioning of those individuals who last saw or spoke with a missing person is crucial in the case-assessment process. While seeking information about the person’s appearance, demeanor, and actions, officers should also be alert to contradictions or evasiveness by the witness, especially if these statements cannot be readily substantiated.*

12. Identifying the missing person’s zone of safety for his or her age and physical and mental state. *Responding officers should attempt to determine how far*
the missing person could travel from the location where last seen before he or
she would most likely be at risk of injury or exploitation. This perimeter
should, under many circumstances, define the first search zone.

13. Making an initial determination of the type of incident. By employing all
available assessment tools (i.e., completion of standardized forms; interviews
with parents, other family members, and friends; statements of witnesses;
and search of scene), an officer should be able to reach a preliminary
determination regarding the type of case and need for additional resources.

Notes: Officers must be cautious in “labeling” or classifying a missing-person
case, since the classification process shall affect the way in which initial
information or evidence is gathered. Even if first indications suggest a “less
urgent” incident, officers should consider all possibilities until the case category is
clearly determined.

14. Obtaining a description of the suspected abductor(s) and other pertinent
information. Officers need to immediately record witness information, not only
for general investigative use, but also before witnesses forget or speak to
others who may confuse or make suggestions about what was actually
observed. If the abduction scene involves a business or other public place,
officers may be able to supplement witness information with video from
security cameras that might provide crucial information about the suspect,
vehicles, and circumstances. In the case of a suspected family abduction, the
reporting party may have photographs of the abductor or other valuable
information.

15. Determining the correct NCIC Missing Person File category and ensure that a
notification is promptly transmitted and waivers are signed to enter
information into systems. There are 6 categories within the Missing Person
File. They are disability, endangered, involuntary, juvenile, catastrophe, and
other. Quickly entering this information into NCIC will increase the possibility
of identifying a missing person coincidentally stopped or observed by law-
enforcement personnel not yet aware of the incident at hand. In the case of a
missing child, simply because the child is younger than 18 does not require
that the juvenile category must be used. The circumstances of the
disappearance should govern category selection.

16. Providing detailed descriptive information required for the entry into NCIC to
the La Crosse County Emergency Dispatch Center (LCCEDC) who will make
the appropriate entry into NCIC and provide copies of the paperwork for the
incident file. As information becomes available regarding the missing person’s
physical appearance, circumstances of the case, or description of the potential abductor, the initial officer should ensure that other officers and agencies are provided with up-to-date facts through the LCEDC.

17. Identifying and interviewing everyone at the scene. The name, address, home and work telephone numbers of everyone present at the scene, along with his or her relationship to the missing person, should be recorded. If possible, include them in photographs and/or videotapes of the incident scene. By interviewing each person privately, officers may be able to uncover information that shall be instrumental in resolution of the case.

18. Conduct a thorough search of the scene or any other area of relevance, such as high school locker. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the person’s disappearance. Officers are again reminded to conduct a thorough, immediate search of the child’s home and property — even if the disappearance supposedly took place elsewhere. When possible, officers should also search a missing child’s school locker, as well as any computer or electronic messaging systems to which a child has access.

19. Securing and safeguarding the area as a potential crime scene. If unusual circumstances exist, first responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence. In addition to external crime scenes, the missing person’s home, and particularly his or her bedroom, should be secured and protected until evidence and identification material, such as hair, fingerprints, and bite marks are collected.

20. Preparing necessary reports and completing appropriate forms. Information gathered by the first responding officer(s) may be instrumental in the eventual case resolution. To record this important information, officers should prepare a chronological account of their involvement and actions in the case from time of assignment to the point of dismissal. Reports should include everything, not just those events that seem to have a direct bearing on the case.

D. (6.6.5.4) The police chief or his/her designee will immediately review the report of a missing person and shall be responsible for:

1. Obtaining a briefing from the first responder(s) and other agency personnel at the scene. This briefing allows the supervisor to determine the scope and complexity of the case and develop an appropriate response. The briefing
should be conducted away from family, friends, or any other individuals who may be present. Doing so shall allow officers to speak freely about the events that have transpired and pass along initial impressions and opinions that might be misconstrued by others.

2. Determining if additional personnel and resources are needed to assist in the investigation. Detectives shall be contacted for their input and/or involvement for situations with unusual circumstances. The Police Chief or his designee shall be notified when time permits involving situations with unusual circumstances. Depending upon the situation, a supervisor may determine that additional personnel, including specialized units, should be called to the scene or otherwise assist in the investigation. It is the supervisor’s responsibility to ensure that the appropriate investigative unit has been notified and is responding to the correct location.

3. Consider activation of the AMBER ALERT System, WI Crime Alert Network, Locator Program, and/or other immediate community notification methods, such as “A Child is Missing”, or “Reverse 911” (contact Emergency Government through LCCEDC). **THE 7 RIVERS AMBER ALERT PLAN BOOK SHALL BE REFERENCED FOR ACTIVATION. A copy can be located on the Police computer network.**
   
   If circumstances indicate the chances for the child’s safe recovery would be increased by immediate public awareness, the police chief should promptly implement such efforts.

The Chief/Lieutenant/designee will coordinate activation/cancellation of the AMBER alert following the guidelines set forth in the 7 Rivers AMBER Alert plan book. The Chief or Lieutenant will staff the designated “call center” for the first 24 hours which will be located at the Holmen Police Department (608)526-4212 unless determined otherwise. After the first 24 hours the Command Staff will review staffing needs and make adjustments as necessary.

4. Establishing a command post, if needed. As a general rule the command post should be close enough to the center of activity to facilitate control and coordination, but sufficiently apart to allow a free exchange of ideas among responders. Using the victim’s home as a command post is not recommended.

5. Organizing and coordinating search efforts. The police chief should appoint a search operation coordinator, though a mutual aid request, who can oversee the search effort while the police chief remains available to manage the entire investigation.

6. Ensuring that all required notifications have been made. Because dissemination of information is an integral part of the search for a missing
person, the supervisor should ensure that all officers, other departments and agencies, and all investigative networks are supplied with accurate details.

7. Establishing a liaison with the victim’s family. Families of a missing person will experience extreme stress. The police chief or designee should establish a liaison with the victim family who can explain what investigative actions are being employed and what they can do to assist in the search.

8. Confirming that all agency policies and procedures are observed. In addition to providing the direction required during a missing-person investigation, the police chief or designee must also ensure that the rules and regulations of a professional law-enforcement organization are adhered to. Established policies and procedures, especially those related to missing children, should be regularly reviewed to ensure compliance.

9. Managing media relations. Many missing-person investigations, especially those involving large-scale search efforts, are likely to draw media attention. The police chief or designee should manage media presence in a way that complements, rather than conflicts with the investigation.

E. (6.6.5.3) The officer assigned to continue the investigation of a missing person shall be responsible for:

1. Obtaining a briefing from agency personnel at the scene. This briefing should be conducted prior to interviews with family members of the missing person or witnesses who may have been identified during the initial stage of the case. Its objective is to assist the investigator in formulating an effective interview strategy.

2. Verifying the accuracy of all descriptive information. The verification process should include all details developed during the preliminary investigation. During the interview process, the investigator should be alert to facts or statements that conflict with those gathered by the first responder.

3. Conducting a neighborhood investigation, if appropriate. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may provide information related to the incident. Investigators should use a standardized set of questions to ensure completeness and uniformity of information and facilitate establishment of a database to track leads. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to the Sex Offender Registration list to determine if individuals designated as sexual predators reside, work, or might otherwise be associated with the area.
4. Obtaining a brief history of recent family dynamics. Information about family
dynamics, obtained from family members, neighbors, teachers, classmates,
employers, coworkers, friends, and witnesses, can offer valuable insights into
what may have happened to the missing person and where he or she may be
found. Records of family contact maintained by law-enforcement agencies,
social-service departments, schools, and other organizations should also be
obtained and evaluated.

5. Exploring the basis for conflicting information. When preliminary investigative
steps have been taken, investigators should “compare notes” with the first
responder, fellow officers, and other agency personnel to identify and work
through conflicting information. This collaborative evaluation will provide the
investigative staff with a solid foundation upon which to structure future case
directions.

6. Implementing effective case management. Depending on the resources
available, information may either be computerized or incorporated in a simple
card system. Both methods are used to record, index, cross-reference, and
retrieve the facts amassed during an investigation. The method doesn’t
matter as long as the system works for the officer in charge of solving the
case. Note: The National Center for Missing & Exploited Children (NCMEC)
can provide computer software designed for effective case management.

7. Evaluating need for additional resources and specialized services. The
complexity of many missing-person incidents may necessitate the use of
resources and services both from within the agency and from other
organizations as well. Officers should be aware of the input that can be
obtained from resources such as the FBI & NCIC (both contacted through the
LCCEDC) and the National Center for Missing & Exploited Children (1-800-
843-5678) — in particular Team Adam, which is a rapid-response team of
experienced law-enforcement investigators.

8. Updating descriptive information within thirty days if person is still missing. If it
appears that the case will not be promptly resolved, investigators should
ensure that the descriptive record, especially that entered into the NCIC
Missing Person File, is updated to include dental characteristics, scars,
marks, tattoos, and fingerprints along with additional articles of clothing,
jewelry, or unique possessions.

9. Monitoring media relations. While information gained through effective media
relations is often of significant value in a missing-person case, investigators
should review all notices prior to release to ensure that investigative
objectives are not unintentionally compromised.

F. Ongoing Investigations of missing persons should include but should not be limited to the following actions and activities:
1. Request release of dental records and any fingerprints available.
2. Contact hospitals and the coroner’s office as appropriate for injured or deceased persons fitting the description of the missing person.
3. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.
4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.
5. Provide identification and related information to all elements of this agency, the State DOJ missing persons’ authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
6. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief and the missing person’s family.
7. The lead officer shall maintain routine on-going contact with the missing person’s closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead officer as soon as any contact is made with the missing person.

V. RECOVERY OF MISSING PERSON AND CASE CLOSURE
A. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:
1. Advise them that they are the subject of a missing person investigation;
2. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
3. Make provisions to transmit this information to the reporting party or next-of-kin, if permitted by the missing person.
B. In all cases, reporting parties shall be informed of the well-being of the located
missing person. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

C. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

D. In cases involving juveniles, officers shall ensure that:
   1. The return of the juvenile is verified by meeting with the child in person when possible.
   2. The juvenile receives medical attention, if necessary, in a timely manner;
   3. Initial questioning of the youth identifies the circumstances surrounding the child’s disappearance, any individuals who may be criminally responsible, and/or whether an abusive or negligent home environment was a contributing factor; and
   4. Parents, guardians, and/or the person reporting the missing youth are notified in a timely manner.

E. Upon location of a missing person, all agencies and information systems previously contacted for assistance shall be notified or updated.

F. Where indicated, follow-up action shall include filing of an abuse and neglect report with the appropriate County Human Services Department within 12 hours.

G. The case report shall include a complete report on the whereabouts, actions, and activities of children while missing.

H. Where indicated, criminal charges shall be filed.
This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 09/07/2016
INDEX AS: Relinquishing Custody of Newborns

PURPOSE: The purpose of this Policy & Procedure is to provide guidance to Department personnel regarding WI §48.195, which allows the parent of a newborn child to relinquish custody of his/her child into the care of a law enforcement officer, emergency medical technician, or hospital staff member with anonymity and confidentiality unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITION
III. STATUTORY REQUIREMENTS
IV. PROCEDURES

I. POLICY

The Holmen Police Department shall accept custody of a newborn child under the provisions of WI §48.195 in order to protect the health and safety of the child and to provide a safe harbor until the child can be transferred to a medical facility.

II. DEFINITIONS

NEWBORN: A child who is reasonably believed to be less than 72 hours old.

ABUSE or NEGLECT: As defined under WI §48.981(1)(d).
III. STATUTORY REQUIREMENTS

A. A parent who wishes to relinquish custody of their child can bring the child to the police station, deliver it to an officer, or call 9-1-1 and have an officer dispatched to meet the parent and take custody of the child.

B. Any officer who takes custody of a child shall take any action necessary to protect the health and safety of the child and shall, within 24 hours after taking custody of the child, deliver the child to an intake worker under WI §48.20. Within 5 days after taking the child into custody a birth certificate shall be filed under WI §69.14(3).

C. Unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child, the following conditions apply regarding a parent who relinquishes custody of their child and any person who assists the parent in that relinquishment:
   1. They have the right to remain anonymous.
   2. No person may induce or coerce, or attempt to induce or coerce, a parent or assisting person into revealing their identity.
   3. They may leave the presence of the officer who took custody of the child at any time, and no person may follow or pursue them.
   4. An officer cannot attempt to locate or ascertain the identity of a parent who relinquishes custody of a child.

D. Any person who obtains any information relating to the relinquishment of a child shall keep that information confidential and may not disclose that information, except to the following persons:
   1. The birth parent of the child, if the parent has waived their right to remain anonymous, or the adoptive parent of the child if the child is later adopted.
   2. Appropriate staff of the child welfare agency that is providing services to the child.
   3. An attending physician for purposes of diagnosis and treatment of the child.

E. Any officer who takes a child into custody shall make available to the parent the Maternal and Child Health toll-free telephone number maintained by the department. The decision whether to accept this information is entirely voluntary on the part of the parent.

F. Any officer who takes custody of a child is immune from any civil liability to the child’s parents, or any criminal liability for any good faith act or omission occurring solely in connection with the act of receiving custody of the child from the child’s parents, but is not immune from any civil or criminal liability for any act
or omission occurring in subsequently providing care for the child.

IV. PROCEDURES

A. The officer who takes custody of a child under this law shall:
   1. Attend to the immediate care/needs of the child.
   2. Attempt to obtain as much voluntary information as possible from the person who surrenders the child.
   3. Make available to the parent the Maternal and Child Health telephone number, 1-800-722-2295. (Wisconsin department of Children and Families)
   4. Contact the La Crosse County Emergency Dispatch Center to request first responders to respond to the child's location to administer a medical assessment, and then transport the child to an appropriate Hospital.
   5. The officer will complete a report of the incident with the available information, including notification of La Crosse County Child Protective Services.
   6. Within 5 days, the officer will follow-up with the Hospital to ensure a birth certificate has been filed.

B. If no officer is available at the time a new born is relinquished at Village Hall non-sworn department members shall:
   1. Attend to the immediate care/needs of the child.
   2. Attempt to obtain as much voluntary information as possible from the person who surrenders the child.
   3. Make available to the parent the Maternal and Child Health telephone number, 1-800-722-2295. (Wisconsin department of Children and Families)
   4. Contact the La Crosse County Emergency Dispatch Center to request first responders to respond to the child's location to administer a medical assessment, and then transport the child to an appropriate Hospital.
   5. E-mail the police chief the information for follow-up.

Shane Collins
Police Chief
This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 10/17/16
I. PURPOSE

The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

II. POLICY

It is the responsibility of all members of this department to familiarize themselves with juvenile problems and established procedures for handling both criminal and noncriminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers shall whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interest of the community.

III. DEFINITIONS

Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.

Responsible Adult: In the absence of a juvenile’s parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile’s parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
Non-secure Custody: A condition under which a juvenile’s freedom of movement is controlled by members of this agency and during such time, the juvenile is held in an unlocked, multi-purpose area that is in no way designed for incarceration:

   a) A report-writing room or an office:
   b) Is at no time handcuffed to any stationary object:
   c) Is held only long enough to complete identification, investigation and processing
   d) And then released to a responsible adult or transferred to a juvenile facility or court:
   e) And is under continuous visual supervision until released.

Secure Custody: A condition in which a juvenile is physically detained or confined in a locked room, set or rooms or a cell that is designate, set aside or used for specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a cuffing rail or other stationary object.

IV. PROCEDURES

A. Enforcement Alternatives (6.6.2)

1. (6.6.2.1) Officers dealing with juveniles in enforcement capacititates may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include.

   a) Release without further actions:
   b) Informal counseling to inform the youth of the consequences of his/her actions:
   c) Informal referrals to community services:
   d) Referral to parents or responsible adult:
   e) Informal counseling of parents or responsible adult:
   f) Limited custody and station house warning:
   g) Issuance of a summons or complaint:
   h) Arrest under non-secure custody:
   i) Arrest under secure custody.

B. Enforcement Criteria

1. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

2. (6.6.2.2) The issuing of municipal citation(s) for violations of village ordinances. The release without further action or following informal counseling. Referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but
intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to:

a) Curfew violations:
b) Loitering:
c) Minor liquor law violations;
d) Disorderly conduct

3. Officers may elect to transport the youth home or direct him/her to return home: make personal, telephone or mail contact with the youth's parents or guardians to provide them with information and counseling on their child’s actions: refer the youth to appropriated community service agencies with or without follow-up: or detain the youth at the police department until he/she is released to a parent or guardian when:

a) The nature of the incident is of a more serious or potentially serious:
b) The youth involved is fully aware of the seriousness or potential seriousness of his/her actions and/or is acting in alliance or collusion with others to commit such acts:
c) The youth fails to cooperate or to positively respond to police intervention and direction:
d) The youth has received prior informal warnings or referrals or has engaged in delinquent acts, and/or
e) The youth’s parents or responsible adult have apparently failed to provide appropriate control and supervision.

4. (6.6.3.1) The police officer is often the first community representative and possibly the most significant to come in contact with juveniles in trouble with the law or in need of protective assistance. The handling of juvenile problems calls for sincere concern on the part of the officer and the application of the interpersonal skills to determine the facts, to mediate and defuse conflict and to offer constructive suggestions for temporary or long-term solution.

Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited previously. Officers should file delinquency charges against juveniles when they commit:

a) Acts that if committed by an adult would be felonies:
b) Delinquent acts involving deadly weapons:
c) Serious gang-related offenses:
d) Delinquent acts involving assault:
e) Delinquent acts while on probation or parole or when they have charges pending against them:
f) Delinquent acts as repeat offenders or when they have refused to
participate in diversion or intervention program: or

g) When it has been determined that parental or other adult supervision is ineffective.

5. An officer may also take a juvenile into custody if they youth is lost, seriously endangered or is a runaway. In all such cases these juveniles shall be held in non-secure custody and officers shall contact the child’s parents or guardian as soon as possible. Where parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact La Crosse County Juvenile Intake. Refer to Holmen Policy 2.4

C. Juveniles Engaged in Non-Criminal Misbehavior/Status Offense

Taking a Juvenile into Custody for a status offense; officer believes on reasonable grounds that any of the following exists:

1. Runaway from parents/guardian/custodian.
   a. When taking a runaway report, complete a Missing Person's Report, route a copy to dispatch (LEDC) for (TIME/CIB/NCIC) data entry, and put a copy with photos in the shift binder.
   b. Runaways may be taken into custody.
   c. Unless additional charges/extenuating circumstances exist, the officer will return him/her to parent or guardian.
   d. If circumstances prevent the juvenile from going home; the officer will contact Intake.
   e. Apprehending officers will route a report to (LEDC) dispatch for (TIME/CIB/NCIC) data clearance.

2. Absent from school without an excuse.

3. Other status offenses such as curfew and underage drinking shall be addressed with an ordinance citation when appropriate or as directed by the on-duty shift commander.

D. Juvenile Alleging to Have Been Harmed or In Danger of Harm.

1. (6.6.3.2) Taking a Juvenile into Custody: officer believes on reasonable grounds that the juvenile is a harm to him/herself and meet requirements under Wisconsin State Statue 51.15 from illness/injury and/or is in immediate danger from his/her surroundings and removal is necessary.

2. Any incident of alleged abuse or neglect will be brought to the immediate attention of juvenile protective services if it is valid or the juvenile has been harmed or is in danger of being harmed. The on-duty shift supervisor shall be notified of the need for protective services and will assist in assessing the situation. Refer to Holmen Policy 2.2

3. Reports regarding abuse/neglect of children must be stamped confidential.

4. In cases of alleged child abuse, officers shall contact their immediate supervisor in order to conduct an investigation of the complaint unless probable cause justifies immediate action in order to protect the safety and well-being of the child.
E. Status Offenses

1. **(6.6.3.5)** Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his/her parents, guardian or other responsible adult. The apprehending officer will attempt to notify the parent/guardian/custodian immediately. The attempt will continue until notified or the juvenile is delivered to Intake.

F. **(6.6.2.3)** Referral to Juvenile Intake Workers and the Juvenile Detention Center (JDC) without delay. Intake Workers:
   a. Provide services 24 hrs/day, 7 days/week, for screening juveniles taken into custody and not released. NOTE: Intake is to be notified when the arresting officer is REQUESTING detention.

1. Referrals to Juvenile Intake.
   When juvenile release isn't appropriate, the officer will notify Intake and complete/provide required forms. Parent/guardian/custodian notifications will be in reports. Referral for formal proceedings is restricted to serious criminal conduct/repeated violations. Juveniles may be referred to Intake in the county where the juvenile resides through our Intake.
   a. In-custody referrals must be done by end of duty.
   b. Restitution requests should be noted in the report.

2. Intake determines where the juvenile is to be held.
3. Intake must authorize the secure holding of juveniles; NO juvenile may be placed in secure detention unless:
   a. Intake consults with the apprehending officer.

4. Reports used: Juvenile Report (JD-1701), Continuation Report for narrative and required Intake reports.

   La Crosse County
   Health and Human Services Building
   300 4th Street North, 4th floor
   La Crosse, WI 54601

2. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.

3. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

4. Juveniles taken into custody for status offenses shall be held in non-secure
custody as provided by state law and for the briefest time necessary (6.6.3.4) to conduct identification, investigation and related processing requirements to facilitate their release to a parent (6.6.3.5) or responsible adult or transfer to a juvenile facility.

5. Transportation of a juvenile in a caged vehicle is not considered secure custody.

6. Status offenders and other juveniles taken into temporary non-secure custody for non-criminal-type offenses should not be fingerprinted or photographed for purposes of record.

7. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be
   a. Under constant visual supervision:
   b. Afforded reasonable access to toilets and washing facilities:
   c. Provided food if in need of nourishment to include any special diets necessary for health or medical purposes:
   d. Provided with reasonable access to water or other beverages:
   e. Allowed reasonable access to a telephone.

G. Criminal Code offenses

1. Juveniles arrested for criminal code offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing.

2. (6.6.4.2) In cases where a juvenile is a suspect in a criminal matter and requests to speak with a parent or guardian, he/she may be afforded the opportunity to confer with their parent. This is not a requirement by law, however; the decision whether or not to allow contact with a parent may carry considerable weight in determining whether an admission/confession is admissible in court. In all instances in which there is a difference of opinion between a juvenile and his/her parents or guardian regarding whether or not the juvenile will agree to speak with police regarding a suspected criminal offense and the juvenile has a rational capacity to pursue his/her best interest, the juvenile’s wishes will prevail.

3. (6.6.3.4) If the officer reasonably believes that there is an urgent and immediate necessity to keep the juvenile in custody: e.g. Threat to others, will flee and not appear, the officer shall contact the Juvenile detention center to make arrangements for the Juvenile to be taken to secure/non-secure detention.

4. Juveniles accused of criminal-type offenses may be securely detained only for
the period of time and in the manner prescribed by Wis. Stats. 938.19 to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the juvenile facility or court.

5. Juveniles placed in secure detention, whether in cells, locked rooms or other locations, shall be sight and sound separated from any incarcerated adults and shall

a. Be informed of the approximate period of time that the incarceration will last;

b. Be provided with constant auditory access to officers responsible for their supervision;

c. Be personally observed by supervisory personnel on both a routine and unscheduled basis no less than every 30 minutes.

6. Prior to custodial interviews or questioning a supervisor officer should be summoned if available.

7. (6.6.3.3) A juvenile may be questioned without the presence of his parent or a responsible adult. The juvenile, in custody, regarding possible criminal activity will be afforded all rights by Miranda/constitutional rights prior to interrogation. The officer conducting the questioning must make certain the juvenile understands their rights. If, prior to or during questioning the juvenile expresses the desire to speak with an attorney, all questioning shall cease and shall not be renewed until permission is granted. Prior to accepting a waiver of rights from a juvenile, the following factors should be evaluated and taken in to consideration: AGE - INTELLIGENCE - EDUCATIONAL LEVEL - PRIOR EXPERIENCE WITH THE JUVENILE JUSTICE SYSTEM - THE JUVENIL’S ABILITY TO COMPREHEND THE MEANING AND EFFECT OF THEIR STATEMENT - THE JUVENIL’S PHYSICAL CONDITION.

8. (6.6.4.3) Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing and, whenever possible, should be conducted by only one officer at a time. When appropriate, parents will be advised of the results of the interrogations.

9. (6.6.4.1) All interrogations, interviews and questioning of juveniles must be conducted in a manner to ensure the protection of the juvenile’s constitutional rights. All custodial interrogations of juveniles, 16 years and younger, will be electronically recorded where feasible, and without exception when the questioning occurs at a place of detention (State v. Jerrell CJ). Refer to Department Policy 4.4 Custodial interrogations.

10. The juvenile should be informed of the procedure that will be followed with regard to custody, release, and transport to another facility or to a custody hearing.
H. Release from Custody.
   a. Efforts are made to release the juvenile to his/her parent/guardian/custodian, except if the juvenile:
      a. Has a parent/guardian/custodian who is unwilling/unable to provide supervision; s/he may be released to a responsible adult.
      b. Is 15 or older, s/he may be released without immediate adult supervision.
      c.Violated terms of aftercare supervision, s/he may be released to whoever had aftercare supervision.
      d. Runaways may be released to an authorized home.
      e. Is absent from school, s/he may be released to the school administrator.
      f. Notification procedures above apply for juvenile release
      g. If not released, the officer will notify Intake.
      h. WI ss. 51/55 govern release relating to physical/mental condition or drug/alcohol impairment.
      i. Juveniles not held in physical custody will be released. If s/he does not present a danger to him/herself/others, they are 15 or older, and it is a minor act, the officer may release them without immediate adult supervision. In incidents where the violation was significant or the juvenile is under 15, they will be released to a parent/guardian/responsible adult and be referred for charges to La Crosse County Health and Human services (Juvenile intake). When an officer cannot find a parent, etc., the officer will contact Intake. On taking a juvenile into custody, officer will without undue delay, deliver the juvenile to the individual/agency having authority for child custody under the circumstances, e.g. intake, parent, etc.

I. Record Keeping

1. Officers who select noncustodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or incident reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rational for the officer’s disposition.

2. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked “juvenile,” maintained in a separate location from adult arrest records and be subject to state law regarding dissemination and access.

J. Courts of Criminal Jurisdiction.
Criminal courts have EXCLUSIVE jurisdiction over ALL of the following:
a. 940.20(1) Battery by Prisoners.
b. 946.43 Assaults by Prisoners, in a secured facility,
c. 940.20(2m) Battery to Probation/Parole Agents.
d. 940.01 First Degree Intentional Homicide.
e. 940.02 First Degree Reckless Homicide.
f. 940.05 Second Degree Intentional Homicide.
g. A juvenile charged with violating criminal law if s/he was convicted of a previous violation following waiver into adult court or if the charge is still pending.
h. A juvenile charged with violating criminal law if s/he was convicted of a previous violation in adult court or if such previous violation is pending in adult court.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 08/31/2017
The purpose of this policy is to establish and provide guidelines in the use of the authorized emergency vehicle. It is the policy of this department to use red/blue lights and siren and all emergency equipment available when responding to an emergency call for services. Various state statutes provide that before an authorized emergency vehicle is entitled to its special status under the law, it must display red/blue lights or sound a siren and in some cases, it requires both.

**OBJECTIVES**

The purpose of this policy is to establish and provide guidelines in the use of the authorized emergency vehicle. It is the policy of this department to use red/blue lights and siren and all emergency equipment available when responding to an emergency call for services. Various state statutes provide that before an authorized emergency vehicle is entitled to its special status under the law, it must display red/blue lights or sound a siren and in some cases, it requires both.

**AUTHORITY**

340.01(3), 346.03(1-6), 346.04(3), 346.19(1-2), 346.90, 347.25(lm), 347.38(4)

**DEFINITIONS**

- **Emergency**: An occurrence or an unforeseen situation or incident that requires immediate attention.
- **Emergency Mode**: Stationary – red/blue lights flashing or oscillating; Responding/Pursuit – red/blue lights, flashing or oscillating, siren activated and the pulsating headlights flashing, if equipped.

**AUTHORIZED EMERGENCY POLICE VEHICLE (MARKED/UNMARKED)**

1. The authorized emergency police vehicle, whether publicly or privately owned, will be equipped with red/blue lights which are flashing, oscillating or rotating. When the operator of an authorized emergency police vehicle is operating and exercising the privileges granted in 346.03, the red light will be displayed on the driver's side and the blue light will be displayed on the passenger's side. The lights shall be designed and displayed in such a manner that when the lights are being operated, they are visible and understandable from a distance of 500' during normal daylight hours and hours of darkness.

2. The authorized emergency police vehicle may also be equipped with pulsating or flashing headlamps. They will pulse or flash at 70-90 beats per minute and will only be used when the emergency vehicle is being operated in the emergency mode using the red/blue lights or the red/blue lights and siren.
3. The authorized emergency vehicle will also be equipped with a siren. The siren will not be used unless the authorized emergency vehicle is being operated in the emergency mode.

346.03(1)
APPLICABILITY OF RULES OF THE ROAD TO AUTHORIZED EMERGENCY VEHICLES
The operator of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to, but not returning from a fire alarm, may exercise the privileges set forth in this section but subject to conditions stated in subs (2) through (4) and Officer's Responsibilities.

346.03(2-4)
PRIVILEGES AND EXEMPTIONS
The operator of an authorized emergency vehicle may:
1. stop, stand or park irrespective of the provisions of this chapter;
2. proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. exceed the speed limit;
4. disregard regulations governing direction of movement or turning in specific directions.

346.03(3)
The exemptions granted the operator of an authorized emergency vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual signal by means of at least one flashing, oscillating or rotating red light except that the visual signal given by a police vehicle may be by means of a blue light and a red light which are flashing, oscillating or rotating.

The exemptions granted by sub. (2)(b), (c) and (d) apply only when the operator of the emergency vehicle is giving both such visual signal and also an audible signal by means of a siren or exhaust whistle, except as otherwise provided in sub. (4).

346.03(4)(a)(b)
A law enforcement officer operating an emergency police vehicle shall otherwise comply with the requirements of sub (3) relative to the giving of audible and visual signals, but may exceed the speed limit without giving audible and visual signals under the following circumstance.
1. if the officer is obtaining evidence of a speed violation;
2. if the officer is responding to a call which the officer reasonably believes is a felony in progress and/or the officer reasonably believes any of the following:
   a. knowledge of the officer's presence may endanger the safety of the victim(s) or other persons;
   b. knowledge of the officer's presence may cause the suspected violator(s) to try to evade apprehension;
   c. knowledge of the officer's presence may cause the suspected violator(s) to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony;
   d. knowledge of the officer's presence may cause the suspected violator to cease the commission of the suspected felony before the officer obtains sufficient evidence to establish grounds for arrests.

OFFICER'S RESPONSIBILITIES
1. 346.03(5)
   a. The exemptions granted to the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under circumstances for the safety of all persons nor do they protect such operator from the consequences of his/her reckless disregard for the safety of others.

2. 346.19(2)
a. Nor does it relieve the operator of an authorized emergency vehicle from the duty to drive with due regard under the circumstances for the safety of all persons using the highway.

PUBLIC’S RESPONSIBILITIES

1. 346.04(3)
   a. No operator of a vehicle after having received a visual or audible signal from a traffic officer or marked police vehicle shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard for such signal so as to interfere with or endanger the operation of the police vehicle or the traffic officer or other vehicles or pedestrians. Nor shall the operator increase the speed of the operator’s vehicle or extinguish the lights of the vehicle in an attempt to elude or flee.

2. 346.19(1): What to do on the approach of an emergency vehicle
   a. Upon the approach of an authorized emergency vehicle giving audible signal by siren, the operator of vehicle shall yield the right of way and shall immediately drive such vehicle to a position as near as possible and parallel to the right curb or the right hand edge of the shoulder of the roadway clear of any intersection and unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency vehicle has passed.

3. 346.91: Following an emergency vehicle
   a. The operator of any vehicle other than on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500’ or drive into or park his/her vehicle within the block where or within 300’ of the driveway entrance or similar point of access to a driveway or roadway on which fire apparatus has stopped in response to an alarm.

THE OPERATION OF THE EMERGENCY VEHICLE

POLICY
It will be the policy of the Holmen Police Department to operate emergency vehicles in accordance with State Statutes 346.03 and with due regard for the safety of all persons. The following guidelines will be followed:

GUIDELINES
1. Emergency Response
   a. Officers are authorized to exercise the exemptions provided in 346.03 when responding to emergencies. Emergencies include incidents where there is a threat of physical violence or a need for immediate assistance is required. Emergency light and siren and all other emergency equipment available will be used when exercising the exemptions under 346.03 except as provided for in these guidelines.
   b. An officer may exceed the speed limit without using red/blue lights and siren when obtaining evidence of a moving traffic violation.
   c. When responding to a felony in progress call, officers are authorized to proceed without emergency lights and siren only when he/she reasonably believes any of the following:
      (1) knowledge of the officer’s presence may endanger the safety of the victim(s) or other persons;
      (2) knowledge of the officer’s presence may cause the suspected violator(s) to try to evade apprehension;
      (3) knowledge of the officer’s presence may cause the suspected violator(s) to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony;
      (4) knowledge of the officer’s presence may cause the suspected violator(s) to cease the commission of a suspected felony before the officer can obtain sufficient evidence to establish grounds for the arrest.
   d. Because of the distances sometimes traveled by the officers, it will be the department’s policy to utilize red/blue lights and siren when responding to a felony in progress call, however, the officer shall be authorized to turn off the emergency lights and siren when
necessary to conceal the arrival of the officer in the immediate area where the incident is taking place and may also do so for other exigent circumstances.

2. Stopping or parking an authorized emergency vehicle on or adjacent to the roadway
   a. The red/blue emergency lights must be used whenever an officer is required in the course of his/her duty to stop or park his/her vehicle in disregard for the rules of the road, unless in doing so would jeopardize the safety of the officer in the course of an investigation.

3. Considerations
   a. In all cases when an officer decides to exercise the exemptions provided under 346.03, he/she shall consider the following factors and will drive accordingly.
      i. Time of Day: Emergency response occurring during a time when there is a high level of business activity or school is in session or other activities are deemed more hazardous than those occurring during times of low activity.
      ii. Volume of Vehicular Traffic: Emergency response occurring during heavy traffic flow are deemed more hazardous than those occurring at other times.
      iii. Density of Population: Emergency response to residential areas or along streets near or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
      iv. Weather Conditions: Emergency responses during periods of inclement weather which restrict visibility are viewed as more hazardous than during good weather.
      v. Road Conditions: Rain, snow, ice, pavement defects and other obstructions will make emergency responses more hazardous.
      vi. Severity of Reported Crime: The exercise of emergency response exemptions are more justifiable when responding to serious crimes or serious threats to public safety than when responding to the less serious incidents.
      vii. Volume of Pedestrian Traffic: Emergency responses occurring within areas where pedestrian traffic is heavy is viewed as more hazardous than at times when it is light or absent.

4. Intersections
   a. When operating an authorized emergency vehicle under the exemptions of 346.03, officer shall slow upon approaching an intersection and be prepared to stop if necessary. When proceeding past a red light or stop sign or stop signal, officers shall proceed at speeds when enable them to stop or yield to any vehicle that has the right of way or is unable to stop.

5. Unmarked Police Vehicles
   a. Unmarked police vehicles present a greater hazard than the marked authorized emergency vehicle when operating under the exemptions of 346.03. Operators of the unmarked emergency vehicle shall use extreme caution when utilizing these exemptions.

6. Emergency Escorts
   a. Wisconsin statutes permits authorized emergency vehicles to operate emergency signaling devices and exercise privileges under the law, but there are no exemptions for other vehicles. Thus, escorting non emergency vehicles through traffic will not be allowed. If the emergency is critical, for example, a critically injured person must be transported to a medical facility without awaiting the arrival of an ambulance, then the officer should carry that person in his/her police vehicle. In addition, the driver of the other vehicle should be firmly directed by the officer not to attempt to follow the police vehicle on its emergency run.

7. See also Policy 2.3: Pursuit Driving

DISCLAIMER
This policy is for internal use only and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
1. PURPOSE AND SCOPE
This order establishes procedures governing the pursuit of motor vehicles. It is our policy that vehicles are operated in a safe manner. Members will comply with WI ss 346.031(6) and related orders. Officers are trained in roadblock techniques.

2. DEFINITIONS
A. **Fixed roadblock**: full/partial roadblock at a fixed point.

B. **Moving roadblock**: moving unit(s) used to block the road or stop vehicle movement in the same direction.

C. **Pursuit driving**: attempt by an officer in a unit to apprehend occupant(s) of a fleeing vehicle where the driver is aware of the officer's attempt to stop his/her vehicle and is knowingly fleeing apprehension.

D. **Roadblock**: obstruction of a roadway for the purpose of stopping vehicles to inspect, interview or apprehend contents, drivers, or occupants of the vehicle.

E. **Pursuit Immobilization Techniques**: trained technique used to immobilize a fleeing vehicle. Used at speeds lower than or close to 35mph. This technique should not be utilized on motorcycles or vehicles with a high center of gravity unless deadly force is justified. **HOLMEN POLICE DEPARTMENT IS NOT TRAINED IN THIS TECHNIQUE.**

3. PROCEDURES
A. **(6.1.4.1) Evaluation of Circumstances:**
   1. To initiate, continue and/or to terminate pursuit consider: road, weather, visibility, time, population
density, pedestrian/vehicular traffic, offense severity, necessity if the suspect is known/can be, apprehended later, and if pursuit poses a significant threat of death to the public. Pursuits WILL be discontinued if the officer or monitoring supervisor feels the risk outweighs the suspect’s apprehension. WI ss. 346.03, 346.04. Emergency Lights and Siren will be used by pursuit units.

(6.1.4.3) Pursuits Involving Unmarked Squads.

Unmarked squad vehicles in pursuits may pursue with extreme caution until a marked vehicle takes over such pursuit or if supervisor authorized. Members in such units may attempt to maintain view or assist. Clean top patrol vehicles used by field services for daily patrols are authorized to pursue.

B. (6.1.4.2) Initiating Officer’s Responsibilities:

1. A pursuit is NOT made if a non-sworn member or citizen is in the police vehicle.
2. All emergency signaling devices, audible/visual are activated; seat belt is worn.
3. Dispatch MUST be notified of:
   a. Reason for pursuit; severity of crime.
   b. Necessity of conducting pursuit.
   c. Location / Direction of pursuit.
   d. Road Conditions.
   e. Density of population.
   f. Description of the vehicle, number of occupants and the license number of the vehicle.
   g. Changes in direction, situation, and speeds.
   h. If the officer doesn’t give the above information to the dispatcher, the dispatcher will request it. The supervisor will ensure that such data is obtained.
4. A safe distance is maintained between the squad and the suspect vehicle, unless deadly force is necessary.
5. Dispatch is advised of the location of the suspect and vehicle if his/her vehicle is abandoned; ignition keys of the squad should be removed, and check of suspect vehicle for other occupants should be completed before chasing on foot.
6. (6.1.4.5) The pursuing officer must use his best judgment in determining whether the pursuit will continue or be terminated based on officers responsibilities to pursue. On notification by a supervisor to terminate pursuit, the pursuit is ended immediately. The pursuing units may continue to follow at reduced legal speeds without emergency lights and siren engaged.

(6.1.4.2)

C. Designating Secondary Units Responsibilities: Specifying Roles and Restrictions Pertinent to Marked, Unmarked or other types of Police Vehicles involved in the pursuit:

1. No more than two Holmen units will directly pursue the suspect unless authorized by a Supervisor or senior officer if Supervisor is not on duty. The decision to have more than two officers will also be determined by circumstances of the suspect/offense. Others may parallel, assist or observe.
   Assisting/Secondary Unit Actions: Monitor escape routes, observe for additional descriptions, or establish supervisory approved and planning for roadblocks, deploy tire deflation devices.

D. Assigning Dispatchers Responsibilities:

1. Advise units of the pursuit and restrict radio traffic.
2. Notify on duty supervisors to monitor the pursuit.
3. Keep units updated and assist in unit directions.
4. Coordinate others if it goes outside the Village.

E. Describing Supervisor’s Responsibilities:

1. On duty supervisor will monitor pursuits, direct units, evaluate progress, authorize/terminate roadblocks or terminate the pursuit if necessary. If no supervisory is available the responsibility will fall to senior officer.

F. (6.1.4.4) Using Forcible Stopping/Roadblocks

1. Last resort to stop a fleeing vehicle, when all other reasonable means have failed and ONLY due to one or more of the following:
   a. Suspect(s) are reasonably believed to have committed a felony involving use or threats of deadly force.
   b. Continued manner of operation by the suspect is creating a substantial risk of death to the public.
   c. Suspect(s) pose a significant threat of death to the public for reasons unrelated to the pursuit if not
immediately apprehended.

2. Prior to roadblocks, make every effort to get supervisory approval.

3. Fixed Roadblocks
   a. Consider a location which affords the greatest degree of safety taking into account vehicular and pedestrian traffic, weather, visibility, time of day and other roadway physical aspects.
   b. Area should be as well lighted as possible; additional lighting should be used to ensure that the roadblock can be readily seen.
   c. Vehicles will not completely block the roadway or force collision; sufficient room will be left as an escape route for the violator.
   d. Provide approaching vehicles adequate time and distance to stop and avoid collision.
   e. Private vehicles/property will NOT be used without supervisor approval and only as a last resort.
   f. Remove all persons from the area; members will be away from their parked units in case of collision.
   g. Notify LEDC of the roadblock's location and when removed. Roadblocks will be for a minimal time and are removed as soon as possible; remove prior to use if it is too much of a hazard.

4. Moving Roadblocks
   a. Extremely hazardous, only for extreme conditions better suited for lower speeds; consider:
   b. Presence of vehicular/pedestrian traffic, weather, visibility, time of day, physical aspects of the roadway for the greatest degree of safety.
   c. Emergency lights/siren are activated; officers will attempt gradual initiation to avoid collision giving the suspect opportunity to stop without hitting a police unit. Unintentional contact is not considered ramming.
   d. Use for a minimum time and discontinue as soon as possible; terminate if it becomes apparent that the roadblock is creating an unreasonable hazard.

5. Circle Technique
   a. Another form of Moving Road Block wherein multiple police vehicles surround the suspect's vehicle in an attempt to “box-in” the suspect’s vehicle; officers will initiate gradual deceleration giving the suspect opportunity to stop without hitting a police unit. Unintentional contact is not considered ramming.
   b. Same considerations should be given as outlined in 4-a through d.

6. Tire Deflation Devices- Deployed by trained officers.
   a. Deploying officers shall notify LEDC of intention to deploy tire deflation devices and allow pursuing officers’ time to disengage to avoid deflation of police vehicle tires.
   b. Deployment location should avoid deflation of non-involved vehicles.
   c. Officer Safety is of the utmost importance when deploying deflation devices. Officers shall choose a location which provides them with the most safety.
   d. Deflation devices should be monitored and removed as soon as possible following deployment.
   e. Following deployment authorized officers will service the deployment device to ensure that the device is operational for further deployments. Service needs should be brought to the attention of the Police Chief or Lieutenant
   f. Deflation devices should not be utilized on Motorcycles unless DEADLY FORCE is authorized.
   g. Devices are kept in squad trunks, if any.
   h. Deployments shall be in accordance with department/officer training.

G. (6.1.4.6) Engaging in INTER/INTRA Jurisdictional Pursuits:
1. Department Pursuits outside of the Village.
   a. Officers may continue pursuits initiated within the Village into another jurisdiction unless restricted by law or Department order such as pursuing out of state. Out of state pursuits MUST have the prior permission of a supervisor whenever possible.
   b. Officers will comply with all laws and orders.
   c. LEDC personnel and a supervisor will coordinate the actions of the pursuing officer with members of other agencies who join in the pursuit.

2. Other Agency Pursuits into the Village.
   a. Officers may assist agencies pursuing into the Village at the discretion of the Supervisor or Senior Officer. Supervisor shall be notified immediately if not on duty. Pursuit orders apply while assisting other jurisdictions.
   b. On duty supervisors will monitor and coordinate activities of members while assisting other jurisdictions.
c. If a pursuit enters and then departs the Village, Department personnel will terminate the pursuit unless assistance is requested by the pursuing agency or when directed to do so by the on duty supervisor.

H. (6.1.4.7) Critique of Pursuits

1. ALL pursuits will be reviewed by the Chief/Lieutenant or his/her designee.
2. For review purposes, it is still a pursuit even if the violator is not apprehended or if pursuit is low speed.
3. Supervisors will ensure that the primary pursuing officer/designee shall complete a State Mandatory Pursuit Report. Copies of the State form will be attached to the General Report.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 01/28/17
PURPOSE
The primary purpose for this policy is the safety of personnel who operate and the passengers that are being transported in Village owned motor vehicles and authorized emergency vehicles. The secondary purpose of this policy is to establish and provide guidelines in the use of seat belts while operating motor vehicles owned by the Village.

AUTHORITY
347.48(2m); 347.48(2m)a through 347.48(2m)(e)

DEFINITIONS
- Emergency: An occurrence or an unforeseen situation or incident that requires immediate attention.
- Non-Emergency: Any type of call or assignment that doesn't meet the requirement of responding in emergency mode (red/blue lights and siren).
- Routine Patrol Activity: Routine patrol activity includes, but is not limited to: traffic patrol, patrol tactics, warrant service, non-emergency complaints/investigations.
- Seat Belt: The webbing, anchor, and buckle system that restrains the occupant in the vehicle. Also referred to as safety belt.

POLICY
This policy is to establish and provide guidelines in the use of seat belts while operating Village of Holmen owned motor vehicles and authorized emergency vehicles. It is the policy of this department that personnel and their passenger(s) shall wear motor vehicle equipped seat belts while operating Village of Holmen owned motor vehicles and authorized emergency vehicles in accordance with Wisconsin State law. It is the policy that all personnel shall wear the seat belts while engaged in the following activities:
- Routine Patrol Activities
- Responding to Non-Emergency calls
- Responding to Emergency calls
- Vehicle Pursuits

Exceptions to the wearing seat belts only applies when:
- The operation of an authorized emergency vehicle by a law enforcement officer when the wearing of the seat belt could endanger the safety of the operator or another.
- The operator is driving a route which requires the operator to make more than 10 stops per mile involving an exit from the motor vehicle.
- When the operator or passenger is exempt by Department of Transportation, by rule, is exempt due to physical or medical condition, or cannot be properly restrained in a safety belt.
GUIDELINES

Exceptions to Seat Belt Use:
Decision must be based on what is the greater danger to the operator and/or occupants.
Examples:

- Routine Patrol Activities: Conducting area checks for a suspect(s) or suspicious activity, you are slowly driving the streets or park roads/trails searching, you may undo your seatbelt to allow for quicker exit from your vehicle whether it is to apprehend a suspect or take cover due to a sudden assault.

- Emergency Calls: While responding to emergency calls personnel shall have their seatbelts on, however, when they are a reasonable distance from the scene and speed is reduced personnel may remove their seat belt to allow for quicker exit of the emergency vehicle.

- Vehicle Pursuits: Due to the inherent danger of vehicle pursuits, personnel shall wear their seat belts throughout the pursuit. Seat belts may be unbuckled just prior to the end of the pursuit when speeds are greatly reduced and the suspect vehicle is coming to a stop.

Prisoner Transports:
- See 1:1 Use of Force
- Should a prisoner be uncooperative and refuse to be seat belted or continually unbuckles the seatbelt, the transporting officer shall document the refusal in their incident report.

Child Restraints:
- Unless there is an emergency or extenuating circumstances children meeting the requirements of child safety restraints shall be properly secured in the appropriate child seat when being transported.
- Village vehicles equipped with prisoner transport cages or other types of barriers, may not allow the proper fit for rear facing child seats. It is not recommended to place rear or forward facing car seats/boosters in the front seat of department vehicles or squad cars if there is an intrusion into the passenger side compartment such as computer, cameras, etc..
- In most cases, it is recommended to contact social services for assistance or find another appropriate transport vehicle.

DISCLAIMER

This policy is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy may form the basis for departmental administrative action, but it is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: SQUAD PUSH BUMPERS
NUMBER: 3.4

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL
REVIEWED: 06/22/20

PURPOSE AND POLICY
To establish procedures for using push bumpers. The push bumpers are to be used to push stalled or disabled vehicles out of the flow of traffic. This in turn will reduce the threat of accidents and the possibility of injuries.

PROCEDURES
1. VEHICLE INSPECTION
   a. Prior to pushing the vehicle, inspect it for damage and make sure that the bumper is securely attached.
   b. Any damage found during the inspection will be pointed out to the operator. Do not push the vehicle if you believe that doing so will cause damage to either vehicle.
2. DISCUSSION WITH VEHICLE OPERATOR
   a. Make sure that the other operator understands your plans.
   b. Discuss proper braking procedures with the operator to avoid causing damage.
   c. Have them put their vehicle in neutral and turn the ignition on. Make sure that they realize that the power steering/brakes will not function normally.
   d. If you feel that the operator does not understand your instructions, or that they are not capable of completing the maneuver, do not push the vehicle.
   e. Line the push bumper up with the other vehicle’s bumper. If they do not line up, do not push the vehicle.
3. PUSHING PROCEDURE (WITH EMERGENCY LIGHTS ACTIVATED)
   a. Slowly make contact with the vehicles bumper, making sure that the push bumper lines up with it.
   b. Accelerate slowly and move the vehicle to the designated area.
   c. Speeds should be kept at a minimum during the process.
   d. Do not keep contact with the vehicle while negotiating corners or while going over curbs.
4. IMPROPER USES OF PUSH BUMPERS
   a. Push bumpers will not be used for the following:
      1) Pushing vehicles beyond the closest safe area.
      2) Push starting other vehicles.
5. REPORTS REQUIRED
   a. A report will be done any time that damage is caused to either vehicle involved and a copy will be sent to the Chief and Lieutenant.
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: TIRE DEFLATION DEVICES  NUMBER: 3.5
SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL  REVIEWED: 06/22/20

POLICY
Our department places the highest regard for safety of the general public and law enforcement personnel and recognizes that officers must balance the public’s interests in apprehension of violators of the law while insuring the safety of the public at the same time. The use of tire deflation devices is well documented and when used properly will assist with conventional pursuit methods in reducing vehicle speeds and risk, preventing accidents and injuries, and ultimately reducing liability, while attempting to apprehend a fleeing suspect.

The tire deflation device is considered a Control Option and an Induce to Stop Technique as outlined in our pursuit policy (See 3.2 Vehicle Pursuits). Tire deflation devices are used to overcome active resistance by deflating the vehicles tires which creates vehicular dysfunction. Also, in most cases, intervention by use of tire deflation devices early in a pursuit lessens risks to the public, officers and the suspects by reducing higher speeds associated with vehicle pursuits.

Officers of this department shall abide by this policy whenever the deployment of tire deflation devices is a reasonable intervention option or when the use is requested by another agency or jurisdiction.

PURPOSE
The purpose of this section is to establish guidelines for decision making for using tire deflation devices and includes:

• Description
• Deployment and Use
• Coordination
• Reporting

DESCRIPTION
The tire deflation device is an effective tool designed to induce a vehicle to stop by deflating tires (tube or tubeless type). The device is constructed of hollow steel spikes mounted on a flexible support which can be pulled or thrown across a roadway into the path of a fleeing vehicle. When a vehicle passes over the device, the spikes penetrate the tire, pull free from the base and then deflate the tires at a controlled rate which can, at a minimum, reduce the fleeing vehicles speed and make the pursuit more manageable.

DEPLOYMENT AND USE OF TIRE DEFLATION DEVICES
Only officers that have received training in the use and are familiar with the considerations, operation, deployment and recovery of tire deflation devices are authorized to use them. The deployment of tire deflating devices will be governed by sound professional judgment, training and procedures outlined in this policy.
If a supervisor (or officer in charge) monitoring the pursuit orders that the device not be deployed, due totality of the circumstances, that order will be acknowledged and complied with by the deploying officer(s).
Intervention with tire deflation devices is authorized and may be undertaken when it is determined by the pursuing officer, supervisor or officer in charge that an incident has met the criteria of a pursuit as outlined in our pursuit policy (See 3.2 Vehicle Pursuits, Definitions & Evaluation of Circumstances), and the following considerations have beenhave been addressed:

1. Officers should deploy tire deflation devices from the most effective locations by:
   a. Identifying potential strategic locations well in advance of the need to use the device.
   b. Identifying locations which provide a good line of sight to for observation and approach of the pursuit, or other vehicles.
   c. Identifying locations with natural or man-made barriers which provide protection, cover, concealment and element of surprise which will conceal the officer from the violator's view and allow deployment of the spikes in a position of safety. Barriers such as roadway overpasses and abutments, guardrails or large, sturdy trees can provide adequate cover in the event the fleeing suspect takes evasive action or attempts to assault or target the deploying officer(s) with their vehicle.

2. Tire deflation devices shall not be used to stop vehicles with three, or fewer, wheels (tricycles, motorcycles, mopeds or similar vehicles) unless deadly force is justified.

3. In certain circumstances where the totality of the circumstances may dictate and where the risks of not deploying the device creates a greater risk to the safety of the public, the use of the device may be justified and appropriate, however, deployment of device on vehicles in the following situations is generally inappropriate and should not be undertaken:
   a. Heavy traffic, sharp corners, construction areas, special events, and areas with pedestrian traffic may create situations where use of tire deflation devices creates inappropriate or unreasonable risk to the public.
   b. Any vehicle transporting hazardous materials.
   c. Any passenger or school bus transporting passengers.
   d. Any vehicle that would pose an unusual hazard to innocent parties.

COORDINATION

Effective communication between officers deploying tire deflation devices and officers pursuing the suspects is vital and must be maintained. Coordination between the two shall be maintained in the following manner:

i. The officers deploying the device shall be in position in sufficient time for proper deployment. All pursuing units should be notified when the device is in place.

ii. The pursuing unit shall notify those at the deployment site upon approach of the pursuit, as far in advance as possible.

iii. During deployment, officers at the deployment site shall seek cover. All bystanders shall be removed from the immediate area. Uninvolved vehicles, in so far as practical, shall be moved to a position beyond the set up area to minimize the possibility of collision with the suspect vehicle.

iv. The device will be pulled off the roadway immediately after the suspect vehicle has passed and prior to passing of the pursuit vehicles.

v. Deploying officer(s) are responsible for securing the device immediately after its use. This includes searching the immediate area where the device was used and collecting any spikes which may have become detached or separated.

vi. If an uninvolved civilian vehicle suffers damage from the deployment, the deploying officer shall make contact with and assist the operator, making arrangements as necessary and ensure the operator that the situation will be rectified.

vii. Deploying officers are responsible for properly maintaining and preparing the device for reuse.

REPORTING
Any officer deploying the device will submit a supplemental report, which will be filed with the original pursuit report, stating the facts surrounding the deployment.

**DISCLAIMER**

This policy is for internal use only and is not intended to increase a deputy’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care with respect to third party claims of any kind or nature. Violations of this policy may form the basis for departmental administrative action, but such action is not intended for use in courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
PURPOSE: The purpose of this Policy & Procedure is to provide guidelines for officers of the Holmen Police Department for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. PROCEDURES APPROACH / NON APPROACH CONTACTS
III. PROCEDURES HIGH RISK CONTACTS
VI. ENFORCEMENT ACTION / SEARCHES

I. POLICY

It is the policy of the Holmen Police Department that motor vehicle stops shall be performed professionally and courteously. Officers of this department will maintain a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

II. PROCEDURES APPROACH / NON APPROACH CONTACTS

A. Legal Basis for Contact with Motor Vehicles
   1. Officers have legal justification to have contact with a motor vehicle based on:
      a. The officer has probable cause for a traffic or equipment violation.
      b. The officer has probable cause to arrest a driver or passenger for a crime.
      c. The officer has reasonable suspicion that a driver or passenger has committed, is committing, or is about to commit a crime.
d. The officer is assisting a motorist who is in apparent need of help.

2. Officers are prohibited from stopping vehicles under the guide of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.

3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.

B. Initiating Contact with Motor Vehicles

1. The following procedures are to be followed whenever possible. It is recognized that varying conditions such as roadway construction, volume of traffic, and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions.

a. Officers shall select an area that provides reasonable safety, avoiding curves, hills, intersections, construction zones, heavily trafficked and poorly lit areas and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations and areas where a large volume of spectators are likely to gather.

b. When a location has been selected for the stop, the officer shall notify the La Crosse County Emergency Dispatch Center (LCCEDC) of the following information prior to the officer exiting the squad car:
   1) Unit location,
   2) Registration plate of the violator's vehicle or a description of the vehicle (make, model, color) if the registration plate is not visible or is missing
   3) Number of occupants
   4) At the officer's discretion or communication center's request, additional information may be exchanged.

c. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or at the shoulder by taking full advantage of the warning devices available to officers in the squad car, including emergency lights, headlight and taillight flashers, etc. to warn other drivers of the stop. Officers should be aware that other drivers will tend to look at the lights—and drive toward what they are looking at. Officers should not get so focused on the subject vehicle that you are not aware of other traffic.

   1) On multi-lane roads, officers may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
2) If the violator stops abruptly in the wrong lane or location, officers should instruct the driver to move by using the appropriate hand signals or by activating the vehicle's public address system.

3) As officer(s) are preparing to stop behind the subject’s vehicle, they should unbuckle their safety harness to increase mobility and provide access to their weapon if needed.

C. Positioning of Squad Car
   1. Officers should position their squad car between 15'-20' behind the subject vehicle using one of the following positions:
      a. Off-set
      b. Angle Left
      c. In-line (should only be used when conditions make using the offset or Angle-left positions impossible)

   2. Officers will choose either the offset or angle position based on the officer’s evaluation of the contact. Officers should also turn the front wheels of the squad car to the left.

   3. Prior to exiting the squad car officers will make a threat assessment considering:
      a. Does the officer have prior experience with the person?
      b. What is the violation/reason for contact?
      c. What were the driver and/or occupants doing before you signal him/her to stop?
      d. How did the driver react to your signal?
      e. What kind of vehicle is involved?

D. Approach Contacts (6.2.5.1)
   1. Officers will use an approach contact when their threat assessment suggests that it would be safe to do so. Officers may choose to approach the subject vehicle on either the driver’s side or the passenger’s side depending on:
      a. Time of the day
      b. Location of stop
      c. Position of the squad car
      d. Amount of traffic

   2. During the approach officers should:
      a. Avoid being silhouetted by the squad’s headlights at night
      b. Minimize your use of the flashlight at night
      c. Minimize noise
d. Check the trunk

e. Look inside the vehicle

f. Continue to assess threat

3. Officers should position themselves properly and safely at the subject’s vehicle to speak with the driver and/or occupants.

4. Officers will safely return to their squad car to verify all information received during the contact using the squad car MDC or the LCCEDC, before making their decision on the type of enforcement action they will employ.

5. Officers are reminded they are expected to maintain a courteous and orderly manner when dealing with suspected traffic violators, and to recognize the emotional duress a violator may be under when approached by an officer.

6. When initiating a motorcycle stop, if at all possible, try to get descriptive characteristics of the driver or passenger before initiating the traffic stop. Once the motorcycle has stopped, instruct the driver to turn off ignition. This will make it easier to hear and prevent driver from leaving.

E. Non – Approach Contacts (6.2.5.2)

1. Officers will use a non-approach contact when their threat assessment suggests that it would be unsafe to approach the vehicle but the perceived threat does not suggest conducting a high risk vehicle contact.
   a. Officers may position the squad car differently based on the threat assessment.
   b. Officers may use the squad car PA system to give directions to the driver and/or occupants; or officers may exit the squad car and use voice commands and/or hand signals.
   c. Officers should consider asking for a back-up officer

2. When the officer is ready to do so, direct the driver and/or occupants to the chosen interview location. This location should be somewhere out of traffic where the officer can maintain a clear view of both subject and vehicle.

3. Officers will speak with the driver and/or occupants. After the initial contact and depending on the threat assessment, officers may have the subject remain at the interview location or have the subject safely return to the subject vehicle.

4. Officers will safely return to their squad car to verify all information received during the contact using the squad car MDC or the LCCEDC, before making
their decision on the type of enforcement action they will employ.

**NOTE:** An officer can always change to a different type of contact as the situation changes.

F. Night/Low Light situations – Officers will direct all available lighting towards the contact vehicle.

G. Initial Contact with Driver and/or Occupants
   1. When officers first make contact with the driver and/or occupants, the officer will follow the Basic Contact Model. The basic contact consists of three phases:
      a. Opening - consists of identifying yourself and your agency and explaining the reason for the stop. Officers will keep their tone of voice professional, courteous, and respectful and attempt to make the encounter as positive as possible. Remember that most people do not intend you any harm, in fact they may be frightened by you. Be authoritative but never rude or overbearing.
      b. Information Gathering: Officers will ask questions to understand the context of the behavior that prompted your stop; to identify the individuals involved, and to fill in any other information you need to get. Officers should give the driver the opportunity to explain his/her actions.
         1) Officers should avoid asking if the driver had a “legal justification” for the action. It’s too restrictive. Officers should just ask the driver if he/she has a reason or explanation for the violation. If it turns out that there is a reason, you will get that information right away. Even if the behavior is not justified, the driver will feel that the officer has not prejudged the situation.
         2) Officers should not get drawn into an argument. If the driver tries to argue, officers should deflect the argument with neutral phrases such as, “I understand that,” or “I can appreciate that,” then go right on to the next step.
         3) Officers should ask the driver for a driver’s license (or other identification if he or she does not have a license) and proof of insurance. Here are some guidelines to follow:
            a) Officers should ask the driver to take the license out of any wallet before giving it to you (and remove any proof of insurance from their wallet if necessary).
            b) Officers should never take a wallet or purse from a driver.
            c) Officers should ask the driver to hand the license and proof of insurance out through the window. Officers should Never reach
inside the window to avoid being caught and dragged.
d) Officers should take the license with hand held palm down; it is a stronger position than palm up.
e) Officers should hold the license so they can still see the driver and other occupants.
f) Officers should always check the picture on the license to make sure it matches the person.
g) Officers should confirm the address on the ID is current by having the driver say where they live

4) If the driver does not have identification, officer should obtain verbal information documented by body camera.

5) Ask any follow-up questions that might be pertinent to the stop.

6) If the vehicle does not have a license plate, officers will check the Vehicle Identification Number (VIN).
   a) If an officer’s threat assessment indicates this procedure would be dangerous, officers should wait for back-up, and then order the driver out of the vehicle before checking the VIN.
   c. Resolution - Officers should tell the driver and/or occupant to remain where they are while the officer verifies the information provided.

H. Re-Initiating Contact
   1. When officers have completed the records check and paperwork, re-approach the subject vehicle and re-contact the driver.

   2. Officers should not become complacent but continue the threat assessment until the contact is completely finished.

   3. Officers should hand the driver’s license and other paperwork (registration, citation, etc.) to the driver with their reaction-side hand.

   4. Officers will explain the information on all traffic citations to the violator relative to the specific charge, court date, and information on how to pay the deposit amount or contest the citation.

   5. Officers should keep the conversation short, professional, and courteous, being careful to avoid common law enforcement jargon. Officers shall not lecture the driver, and avoid getting drawn into an argument. Officers should use tactical communications to deflect any verbal abuse and redirect the driver to the business at hand. Sometimes drivers become very upset at
receiving citations and may make offensive or demeaning remarks. Even though these appear to be personally directed at officers, they really are the result of frustration with the situation. Officers should not respond in kind; just let the comments go and finish the contact with as little friction as possible.

6. Officers should not tell the driver to “have a nice day.” Even if meant sincerely, it can come across as sarcastic.

7. Officers may want to remind the driver to buckle up, if he or she has released the seat belt while stopped.

8. Officers should explain that the subject can leave at his or her convenience, when it is safe to re-enter traffic. Officers should tell the driver if they plan to assist the driver back into traffic, either by remaining behind with emergency lights on or by some other means.

I. Officers hearing radio traffic of a stop by another officer in the area should drive by that location to ensure the officer’s safety or render assistance, as necessary.
III. PROCEDURES HIGH RISK CONTACTS (6.2.5.3)

A. Officers will use high risk contact tactics when their threat assessment has indicated the stop should be conducted to minimize the danger to themselves, other officers, and the public.

B. Four considerations are particularly important in making the decision to handle a stop as a high-risk contact:
   1. Nature of the offense
   2. Occupants with warrants for violent offenses
   3. Recent high speed pursuits of the vehicle
   4. Occupant with violent history

C. Officers who decide to conduct a high-risk vehicle contact will follow the standard procedures contained in the WI DOJ LESB “Vehicle Contacts Training Guide for Law Enforcement Officers”. Any deviations from established procedures can not only be dangerous, they can be very confusing to other officers involved. Remember, a high risk contact is a team effort. Only in extreme situations should officers consider conducting a high risk contact alone.
   1. Officers shall use the same criteria procedures established in Section II.B.1.a. & b. of this policy when initiating a high risk vehicle contact.
   2. Officers will request back-up, a clear radio channel for emergency traffic and then coordinate other responding officers
      a. Not all high-risk stops will have enough available officers to fill all the roles.
      b. A minimum of three is recommended to conduct a high-risk contact properly:
         1) A contact officer,
         2) A cover officer,
         3) An arrest control officer.
      c. In some circumstances you may have to make the stop with only two officers. In that case the cover officer will also act as the arrest control officer.
   3. Officers should wait for the back-up officers to be in position, before initiating contact/making the stop.
      a. Officers should also be prepared to take appropriate action if the subject vehicle does not stop. Refer to Department 3.2, Vehicle Pursuits.
      b. Prior to turning on the emergency lights, officers should discuss with back up officers how to handle that possibility.
4. Officers will ensure that back-up officers properly position their vehicles

5. Officers will use the squad car PA to order occupants out of the subject vehicle one person at a time using established high risk vehicle contact procedures. Each occupant will be secured before proceeding to the next one.

6. Officers will ensure that the subject vehicle is properly cleared

D. Special Conditions - Two situations warrant additional attention. These are:
   1. Subjects refusing to obey verbal commands.
   2. Subjects running from the vehicle.
      a. Subjects refusing to obey. If the subjects in the vehicle do not obey commands to show their hands, exit the vehicle, etc., there could be several reasons:
         1) They can’t hear officers’ commands.
         2) They can’t understand officers’ commands.
         3) They are refusing to cooperate.
      b. Subjects running from the vehicle. If when the vehicle stops one or more of the occupant’s jumps out and starts running away, officers have a very unstable and dangerous situation. Follow these guidelines:
         1) If there is any chance that someone is still in the vehicle, officers shall maintain coverage of the vehicle.
         2) Officers should never allow anyone to chase a suspect forward of the subject vehicle; the officer may be ambushed by someone still in the vehicle, and fellow officers cannot return fire without endangering the pursuing officer.
         3) Officers should always broadcast a description and direction of travel so that other responding officers can set up a perimeter and look for the suspects.
         4) If officers lose sight of running suspects, they should guard against an attack from the rear.
            If there are sufficient officers on scene some of them may assist by setting up a perimeter and searching for suspects. In general foot pursuits should be avoided as they are dangerous and difficult to coordinate.

IV. ENFORCEMENT ACTION / SEARCHES

A. Enforcement action is the issuance of a verbal warning, written warning, parking ticket, uniform traffic citation, or in some situations custodial arrest.

B. The type of enforcement action taken shall be at the discretion of the officer unless action is otherwise directed by the police chief or Lieutenant.
   1. Violations that are flagrant interfere with the flow of other motor vehicles or
pedestrian traffic, or result in a motor vehicle accident would normally result in the issuance of a uniform traffic citation.

2. Moving traffic violations that are of concern, but unintentional on the part of the violator and do not substantially interfere with other motor vehicle or pedestrian traffic may result in a warning.

3. Parking tickets shall be issued for violations for which the parking ticket is designed and shall be issued with discretion.

4. Custodial arrest may be necessary based on the provisions of the statutes or it is discovered that the driver is wanted by court or law enforcement agency.

C. When conducting vehicle contacts, officers may request consent to search if there exists a reasonable and articulable suspicion of specific evidence or contraband in the vehicle.

1. If a consent search is conducted during a vehicle contact, the officer shall articulate the reason for the search in an incident report.

2. This does not preclude any other legal reason to search a vehicle, including probable cause, search incident to arrest, reasonable suspicion that the vehicle contains a weapon (warrant might be needed depending on circumstance), or exigent circumstances.

3. Written consent is preferred otherwise verbal consent should be video/audio recorded, if possible.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 05/15/2016
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: ACCIDENT INVESTIGATION, FLEET ACCIDENT NUMBER: 3.7

SCOPE: ALL DEPARTMENT PERSONNEL ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL REVIEWED: 06/22/20

PURPOSE

The purpose of this document is to establish a policy for the investigation of traffic crashes occurring within the Village of Holmen. Guidelines establishing which crashes require an investigation and which forms are required will be addressed in this policy.

POLICY

It is the policy of the Holmen Police Department that officers shall investigate all crashes as required by state statutes or as directed in this policy. Officers responding to the scene of a crash shall secure the scene, provide medical assistance, if needed, investigate the crash and clear the scene of damaged vehicles, debris or hazardous materials as soon as practical to reopen the roadway for continued use.

DEFINITIONS

1. Hit and Run Crash: Even if the reporting party does not immediately notify the department, officers will complete an accident report for all Hit and Run crashes. Officers will complete a State of Wisconsin MV4000.

2. Reportable Crash: For the purposes of this policy, a reportable crash shall be all crashes required by Wisconsin Statutes to be reported to police, as well as all traffic crashes involving Village of Holmen property or motor vehicles regardless of whether the crash would be reportable under Wisconsin Statutes.

3. Fatal Crash: A traffic crash resulting in a fatality or injuries so serious that a death may result within 30 days.

4. Fleet Accident: a motor vehicle accident on public or private property involving one or more fleet vehicles. All fleet accidents, whether statutorily reportable or not, will be reported to the department.

PROCEDURE

A. Reportable Crash Investigations
   1. Upon personal knowledge of, or notification from the dispatch center, officers shall respond to and thoroughly investigate all reportable crashes and use the Department of Transportation Traffic Crash Report, MV4000, to record all pertinent data.

   2. An officer shall respond to, and conduct at least an initial investigation of, all traffic crashes reported to involve the use of alcohol and/or drugs. If the initial investigation
3.7 ACCIDENT INVESTIGATION FLEET ACCIDENT

reveals enforcement action is required for the use of alcohol and/or drugs, or the crash is reportable, the incident shall be investigated and documented in accordance with this policy.

3. An officer shall respond to, and conduct at least an initial investigation of, all traffic crashes reported to involve a hazardous material spill. Traffic crashes resulting in hazardous materials spills shall be investigated and documented in accordance with our HazMat policy and this policy.

4. Officers shall also respond to any traffic crash in which the following conditions are present.
   a. Crashes, however minor, resulting in a confrontation between the parties involved or bystanders; OR
   b. Major traffic congestion as a result of the crash, however minor.

5. Officers may photograph crashes that they believe will be useful in their investigation.

B. Non-Reportable Crashes
   1. Traffic crashes that do not meet the minimum criteria for a reportable crash do require the completion of the MV4000 report.

D. Crashes Involving Departmental Vehicles or Personnel
   1. Duty of officer Involved
      a. Notify supervisor immediately of location, injuries, if any, and extent of damage as soon as possible
         i. If there are no supervisor on duty the Chief or Lieutenant shall be contacted
   2. The supervisor shall request an outside agency to investigate the crash. The department request an MV4000 be completed in all cases, regardless of the amount of damage.
   3. Photographs shall be taken of all crashes of department owned vehicles.
   4. All accidents will be reviewed by Chief

E. Fatal Crash Investigation
   1. See Policy 3.8

F. Traffic Crash Enforcement Procedures
   1. Officers shall take appropriate enforcement action if their investigation clearly indicates that a violation of the traffic regulations has occurred.

G. Reflective Safety Vests
   1. Any time an officer directs traffic, he/she shall wear a protective/reflective vest.
   2. Traffic vests shall be put on as soon as possible when at an accident scene.

Chief of Police
Shane Collins
PURPOSE
To establish a procedure to be used at the scene of a fatal accident.

METHOD
1. The investigating officer will inform the dispatcher of the severity of the accident and of the possible or confirmed fatality and have the dispatcher notify:
   a. Supervisor, if one is not already on location;
      i. A Supervisor will respond to the scene unless there are extenuating circumstances.
      ii. If no Supervisor is working dispatch will call the Chief or Lieutenant.
   b. Support personnel, if needed;
      i. include: officers with specialized training, Wisconsin State Patrol, investigators, highway department and fire department, power utilities, etc.
         a. Medical Examiner or his Deputy.
2. Protect the scene, take required measurements, statements and photographs and preserve evidence as needed.
3. Allow no person to search the body except the officer in charge, his designee, the medical examiner or his deputy.
4. The investigating officer or his supervisor shall cause the next of kin to be notified. Whenever practicable, the notification shall be made in person with Police Chaplains if available. If the deceased persons next of kin lives outside La Crosse County, the appropriate law enforcement agency shall be requested to make the notification in person.
   a. If religious affiliation can be determined, notification of clergy is recommended.
5. Follow-Up
   a. Complete MOTOR VEHICLE FATAL SUPPLEMENT FORM.
   b. Get information to dispatch so they can send a Time Administration message to Madison before the end of the shift in which the fatal occurs, MOTOR VEHICLE TRAFFIC FATALITY REPORTING PROCEDURE.
   c. Complete NEWS RELEASE FORM and leave one in the main office, one in dispatch and one with the reports. This must be done by investigating officer or his/her supervisor ASAP but no later than the end of the shift in which the fatal occurred.
      i. Name of deceased may be held from news release until next of kin have been notified unless next of kin live out of area or locations are unknown or cleared by the Chief or Lieutenant.
   d. Any additional follow-up requests should be put into a comprehensive list and attached to the REPORT. This form is to log activities only, not report writing.
PURPOSE
This order establishes guidelines for death situation investigations and the completion of subsequent reports.

POLICY
It is Department policy to thoroughly investigate each death that is brought to member's attention and to document details in a report which follows guidelines in this order.

DISCUSSION
While most death calls are the result of natural causes, the possibility of foul play or an accident must be considered. This order identifies key issues that should be explored at death scenes and documented in reports.

I. PROCEDURES.
   A. General Investigation.
      a. An officer SHALL be assigned to investigate ALL non-hospice deaths that they are notified of.
      b. Supervisors will determine if the case requires major case investigation, such as:
         i. Homicide.
         ii. Suicide.
         iii. Infant death under 2yrs old.
         iv. Poisoning.
         v. Traffic accident fatality
         vi. Unexplained, unusual or suspicious deaths.
         vii. Death resulting from a crime or member actions.
      c. Deaths occurring as described below do NOT require Investigative personnel.
         i. Physician verification: death due to natural causes.
         ii. Deceased in hospice dies from diagnosed illness.
         iii. Deceased is a nursing home/medical facility resident and death is diagnosed due to natural causes.
   B. Medical Examiner (ME) Notification.
      a. The ME SHALL be notified in all deaths.
      b. Responding officer will have LCCEDC notify the ME.
   C. Anatomical Gifts: Make a reasonable search of the individual for a record of gift or a record of refusal or other information identifying the individual as donor or as individual who has refused to make an anatomical gift.
      d. If any such record is located and the person is being sent to the hospital, the officer shall send the record or gift or record of refusal to the hospital.
   D. Investigative guidelines contained in Annex A SHALL be part of death investigations conducted by this Department.
**DEATH INVESTIGATION GUIDE**
**HOLMEN POLICE DEPARTMENT**

*In every death investigation, the following observations SHALL be documented in required report narratives.*

**CATEGORIES/TOPICS TO COVER IN REPORTS/INFORMATION TO OBTAIN DONE**

**IDENTIFICATION OF DECEASED:**
How identified or how identification will be made.

**EVIDENCE OF CRIME.**

**LOCATION OF BODY:** geographic location, area description.

**PHOTOGRAPH THE SCENE:** scale photos of the scene

**POSITION OF BODY.**

**CONDITION OF BODY:** preserved, decomposed, rigor mortise, color

**CLOTHING DESCRIPTION:** type, color, condition, fully/partially.

**WOUNDS:** location and type.

**WEAPONS PRESENT:** description.

**MEDICATIONS PRESENT:** type, prescription, medical history.

**EVIDENCE OF DRUG/ALCOHOL ABUSE:** type, amount, paraphernalia.

**EVIDENCE OF UNUSUAL SEXUAL PRACTICES.**

**PROPERTY:** evidence, turned over to medical examiner, kin.

**CONDITION OF SURROUNDINGS:** orderly/untidy, odors, lighting, entry, communications devices present i.e cell phones, computers.

**DATED MATERIAL:** mail, newspapers, deliveries, collections.

**EVIDENCE OF LAST FOOD PREPARATION:** where, type, uneaten.

**WEATHER/TEMPERATURE:** excessive, in/outside, general conditions.

**PERSON LOCATING DECEASED:** name, address, phone, interview circumstances

**LAST CONTACT WITH DECEASED:** people at time of death, unusual comments, behavior, fears, threats, who, when, where, anyone leave.

**NEXT OF KIN:** interviews, name, address, phone, notification.

**AMBULANCE/RESCUE PERSONNEL:** who, what service, their observations.

**MEDICAL EXAMINER NOTIFICATION:** when, by who, arrival time.

**DISPOSITION OF BODY:** medical examiner, morgue, funeral home.

**OTHER:** unusual, odd, unexplainable or out of the ordinary.

**SUMMARY:** of the investigation, officer's narrative. (report)

Chief of Police
Shane Collins
PURPOSE
This order establishes guidelines for handling major crime scenes and to ensure accountability of personnel.

POLICY
It is Department policy to ensure that criminal offenses are thoroughly investigated and crime scenes are protected and processed to facilitate the arrest/prosecution of the offender.

DEFINITION
Major Crime Scene: a scene that requires urgent and thorough investigation due to the seriousness/complexity of the offense. Examples - homicide, attempted homicide, unnatural/unexplained deaths, bank robbery, aggravated assaults, shootings, armed robbery/attempted armed robbery or other incidents where death may occur, etc.

I. PROCEDURES
   A. General Officer Response.
      a. While en route officers will be aware of persons/vehicles leaving the area, noting descriptions when possible.
      b. On arrival, concern is for safety of persons in the vicinity of the scene. Officers should not enter the scene until they can do so safely and then proceed cautiously.
      c. If injured are present, medical aid should be delivered when the scene is safe for responding personnel. Medical personnel will be kept to a minimum; every effort must be made to protect the integrity of evidence.
      d. Officers should be aware of conditions, events, evidence, people and remarks made at the scene.
      e. Vehicles parked in the area should be noted and have plate numbers recorded whenever possible.

   B. General Supervisor Response.
      a. A supervisor will be sent to all major crime scenes.
      b. Such supervisor will deploy personnel to apprehend suspect(s) and protect the scene. S/he may initiate a canvass of the area for identifying witnesses, suspects and information or evidence.
      c. S/he is in charge until relieved by Investigative Services personnel responsible for follow-up, if any.
C. Scene Control.
   a. An assigned officer is responsible for recording names of persons present at the scene prior to arrival of the primary investigator, including police, fire, and EMS.
   b. Evidence will be preserved to the greatest extent possible. To preserve such, a perimeter will be established at the earliest possible time. Once established, access will be denied to all but the essential personnel; those entering will be noted in relevant reports.
   c. The DA's office/courts will be notified if a search warrant or other legal assistance is needed.

D. Witness/Complainant Identification and Interview.
   a. Anyone present at the time officers arrived will be identified and detained if they have knowledge of the crime.
   b. Persons will be moved out of the scene in order to avoid contamination.
   c. The supervisor will ensure that witnesses and complainants are thoroughly interviewed.

E. Physical Evidence Collection.
   a. The supervisor will determine if an investigator/detective is needed to process the scene or provide other support. If such is needed, the responding officer will refrain from processing the scene absent exigent circumstances.

F. Notifications.
   a. Any major crime scene as defined in the definitions shall require notification of the Chief or Lieutenant for determination of needed resources. The Chief or Lieutenant will make the necessary notifications to call to duty specific Investigative Personnel as needed.
   b. The supervisor on scene or their designee are responsible for medical examiner notification where applicable.
   c. The Chief or Lieutenant will notify the proper investigative personnel. When the investigator/detective arrives, control of the scene is relinquished to him/her. Officers may assist in scene processing at the direction of investigative personnel.
   d. In the event of any serious incident, significant injury of any department member or Major Crime Scene as defined in major crime scene. The following persons will be notified by the officer in the following order. See Notifications Checklist Annex B:
      a. Chief of Police
      b. Lieutenant
      c. Investigator
      d. District Attorney
      e. Medical Examiner
   e. The Police Administrators listed above may direct the designee on who should or should not be notified depending upon the severity of the incident.

G. Identification/Detention/Arrest of Suspect(s).
   a. Officers will detain/identify all suspects at/near the scene.
   b. Suspects will be transported to the Department for interview/interrogation.
   c. After the elements of a crime are met, an arrest will be made.

H. Reporting.
   a. Officers will report/describe the scene/circumstances as found on arrival. Responding officers will report observations and their involvement.
   b. The responding supervisor will ensure that scene security and area canvassing and results thereof is reported.

I. Review.
   a. After submission of reports, the Chief or designee will make his/her review and is responsible for critiquing the quality of the investigation and reporting.
   b. The critique may include group evaluation with participants, informal document review, or as otherwise determined by the Chief/designee.
MAJOR CASE RESPONSE CHECKLIST  
HOLMEN POLICE DEPARTMENT

The following shall serve as a guide to assist in performing functions at a major crime scene.

<table>
<thead>
<tr>
<th>ASSIGNED OFFICERS</th>
<th>SUPERVISORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ( ) Note persons/vehicles in the area while responding to crime.</td>
<td>1. ( ) Assign personnel to check area nearby streets/open areas.</td>
</tr>
<tr>
<td>2. ( ) Render aid to injured and note all conditions, events, remarks.</td>
<td>2.( ) Deploy personnel to protect the scene including entry exits and evidence.</td>
</tr>
<tr>
<td>3.( ) Detain/identify suspicious persons.</td>
<td>3.( ) Establish command post other than on scene, if needed.</td>
</tr>
<tr>
<td>4.( ) Locate/detain/interview witnesses, complainants.</td>
<td>4.( ) Request Investigator and medical examiner if needed.</td>
</tr>
<tr>
<td>5.( ) Gather evidence or assist investigative personnel.</td>
<td>5.( ) Relinquish scene to investigative personnel.</td>
</tr>
<tr>
<td>6.( ) Record names of all personnel at the scene in order of appearance.</td>
<td>6.( ) Initiate preliminary canvass of the area to locate data, evidence, witnesses, suspects.</td>
</tr>
<tr>
<td>7.( ) Transport suspect(s) to the department for interviewing.</td>
<td>7.( ) Limit access to scene to essential personnel only.</td>
</tr>
<tr>
<td>8. ( ) Report circumstances of the scene as found and any self investigative results.</td>
<td>8. ( ) Report scene security, canvassing and other assigned responsibilities.</td>
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<td>9.( ) Assist with case review and aid in coordination of future follow up or administrative investigations.</td>
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### NOTIFICATIONS CHECKLIST

#### HOLMEN POLICE DEPARTMENT

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<th>INCIDENT NUMBER:</th>
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( ) Use Related Checklist or Guides

11.1 Death Investigation Guide

11.2 Major Case Response Checklist

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<th>NOTIFICATIONS</th>
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<td>DATE/TIME OF NOTIFICATION</td>
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**ADDITIONAL NOTIFICATIONS, IF APPROPRIATE**

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<thead>
<tr>
<th>DATE/TIME OF NOTIFICATION</th>
<th>WHO WAS NOTIFIED</th>
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<td>DISTRICT ATTORNEY</td>
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<td>MEDICAL EXAMINER</td>
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<td>POLICE CHAPLAINS</td>
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<td>TECHNICAL ACC. INVESTIGATORS</td>
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<td>STREET DEPT:SIGNAGE/CLOSURE</td>
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<td>VILLAGE ATTORNEY</td>
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<td>TTY: 10-50-FATAL REPORT</td>
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**COMMENTS AND NOTES:**

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**SUPERVISOR SIGNATURE**

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*After Completion, this form is added to the reports submitted to records*

Chief of Police
Shane Collins
PURPOSE AND POLICY

This order establishes guidelines for a preliminary investigation sufficient to bring to a satisfactory conclusion. This is not intended to preclude the member from conducting the preliminary investigation from continuing the investigation to its conclusion when time permits. This order establishes steps to be followed in conducting preliminary investigations

A. Observing all conditions, events and remarks.
B. Locating and identifying witnesses.
C. Maintaining and protecting the crime scene and arranging for the collection of evidence.
D. Interviewing the complainant, witnesses, and suspects.

I. PROCEDURES

A. Observations.
   a. Response to calls shall be as quickly and safely as possible dependent upon the call type and other conditions.
      i. Dispatchers will notify units on all in-progress calls or calls of a serious nature.
      ii. Dispatched duties take priority over self-initiated calls unless such are of a more serious nature.
      iii. Members will convey a sense of concern/interest to victims/complainants. Members will ensure that the victim/complainant understands the service provided and to what extent the service can be provided.
   b. Upon arrival at the scene, personnel will:
      i. Aid any injured and summon medical help, if needed.
      ii. Apprehend offender(s) if s/he is in the immediate area; provide offender data to LCEDC for dissemination if a description is available.
      iii. Observe the scene for evidence.
      iv. Note any immediate remarks by involved persons.
   c. The preliminary member will determine if a crime has been or is being attempted or committed.

B. Witnesses.
   a. The member will locate/identify witnesses.
   d. When possible, written statements should be obtained.

C. Crime Scene Evidence.
   1. The responding member will maintain and protect the crime scene and arrange for the collection of evidence.
      i. Appropriate evidence gathering containers shall be used with safe handling procedures followed.
      ii. Evidence will be documented in related reports.
2. S/he may notify the Chief or Lieutenant for notification of Investigative personnel in cases where immediate follow-up or processing of evidence is appropriate.

D. Interviewing.
   a. The preliminary member shall interview the complainant, victim, witnesses and suspects if available.
   b. Written statements are always preferred; however, oral and/or taped statements are also permissible.

E. Miscellaneous.
   a. Upon notification and arrival at the scene of an Investigator, that person, regardless of rank, shall be in charge of the scene until relieved by the Chief or Lieutenant.
   b. In most instances, the successful disposition of a case is highly dependent upon the preliminary work done at the scene or immediate to the offense. Information or evidence lost or not collected in the preliminary stages may be gone or unavailable for later follow up efforts.
   c. Investigations will be completed efficiently. Members will conduct and record thorough and accurate preliminary investigations and are responsible for completing reports unless otherwise instructed by a supervisor.
   d. In handling civil incidents, the member will exhaust police capabilities before referring the complainant to another agency.
   e. The member will notify LCEDC upon completion of an investigation. The member will provide the disposition code and immediately return to in-service status. When available the incident number will be given to the victim and/or complainant.
   f. If it is necessary to leave the scene for the investigation, the member will advise LCEDC of such with the destination location when possible and remain in radio contact. LCEDC will note changes in location on the Incident Report.
   g. The investigation efforts may end when all facts concerning the incident have been recorded and a time lapse between the preliminary and follow up investigations will not adversely affect overall investigation and possible prosecution, or when the preliminary member is relieved by other personnel such as an Investigator.
PURPOSE: The purpose of this Policy & Procedure is to establish guidelines, policies and procedures for electronic recording and the associated use, management, storage and retrieval of recordings of custodial questioning. This policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest quality evidence possible is obtained from custodial interviews.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

Electronic recording provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. To maximize the effectiveness of electronic recording and the integrity of audio and/or video documentation, officers assigned the use of recording devices shall adhere to the operational objectives and protocols outlined in this policy. For purposes of this policy, there shall not be a distinction between the terms "questioning", "interviews" and "interrogations".
II. DEFINITIONS

**ANALOG RECORDING:** An electronic recording typically stored on a VHS, cassette or micro-cassette tape.

**AUDIOVISUAL:** A recording with both video and audio.

**CUSTODIAL INTERROGATION:** Has the meaning found in WI §968.073(1)(a)

**DIGITAL RECORDING:** An electronic recording typically stored on a CD, DVD or microchip, being recordings that can be viewed and stored on a computer.

**ELECTRONIC RECORDING:** A visual and/or audio recording using digital or analog storage format.

**RECORDED MEDIA:** Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, etc.).

III. PROCEDURE

A. Electronic recording is intended:
   1. To accurately capture statements and events during the course of a custodial questioning;
   2. To enhance the ability to document and review statements and actions for internal reporting requirements and for courtroom preparation and presentation;
   3. To capture visual and/or audio information for use in current and future investigations.
   4. To document acknowledgment of and rigid adherence to suspects’ rights and the law;
   5. To allow the questioning process to become part of the investigation’s collection of information, rather than simply a means to secure an admission or a confession;
   6. To allow the opportunity to review the process that led to the confession or admission; and
   7. To preserve the integrity of officers and the investigative process.
B. Recording Recommended.

1. Whenever possible and practical, officers should electronically record all custodial questioning. Recording should begin at the start of questioning and continue without interruption until questioning ends. Officers should record anytime they would normally advise constitutional warnings, regardless of where the questioning occurs – "A Miranda moment is a recording moment."

2. Whenever possible and practical, officers should electronically record all interviews with suspects and witnesses.
   a. Even though electronic recording is not generally required during traffic detentions as traffic stops are typically not considered to be custodial, officers should consider that if the traffic stop matures into an arrest situation, then subsequent questioning would require electronic recording.

3. Recording may not be possible if:
   a. The recording device does not work and there is no other device reasonably available;
   b. The officer operating the recording device inadvertently fails to operate it properly;
   c. During the interrogation, the recording device malfunctions without the officer’s knowledge; or
   d. A person makes a statement to law enforcement spontaneously or in response to a routine booking question.
   e. The suspect refuses to speak while being recorded (in general, officers should only conduct unrecorded questioning based on a suspect's refusal if the refusal itself is recorded).

4. Digital audiovisual recording is preferred when possible and practical. Digital audio-only and/or analog recording, however, is acceptable.

C. It is the responsibility of this Department to ensure that audio and/or video recording equipment is available and properly set up according to its manufacturers’ recommendations.

D. Department personnel are responsible for inspection and general maintenance of equipment assigned.

1. Malfunctions, damage or theft of equipment shall be reported to the police chief or his/her designee promptly if recording equipment fails or malfunctions. Officers will document the malfunction through a department email and will include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.
E. Recording is mandatory for: (6.6.4.1)

1. Any custodial questioning of juveniles for an offense that could be a crime if prosecuted under the Wisconsin Statutes.

2. Any custodial questioning of adults [persons seventeen (17) years of age or older] for a crime that is a felony.

3. Any situation or incident that the officer, through training and experience, believes should be audibly and/or visually recorded.

F. Court Proceedings – Pursuant to WI §972.115, failure to record in adult felony cases may result in a jury instruction stating that electronic recording is statewide policy and that the failure to record can be considered in evaluating the evidence surrounding the making of a statement.

In juvenile cases, the failure to record custodial interrogations may result in suppression of unrecorded statements.

G. Operation of the Equipment.

1. To help ensure accuracy and consistency of accounts, officers shall review recordings when preparing written reports of events.

2. With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with recordings.

3. Officers shall not erase, alter, reuse, modify or tamper with recordings. Only the police chief or his/her designee may erase and re-issue previously captured recordings and even then may only do so pursuant to the provisions of this policy.

4. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the police chief.

5. Recordings shall be marked as containing evidence and then submitted to the property officer to be held and/or duplicated for criminal prosecution in accordance with Department Policy 5.1, Collection and Preservation of Evidence/Property.

6. Except as previously noted, when recording equipment is activated to document an event, the equipment shall not be deactivated until the event has been concluded. Gaps in electronic recording could invite allegations of misconduct.

7. Voice activated equipment should be avoided since a recorded event should be an accurate documentation of what happened.
H. Duplication of the Recorded Media.
   1. All recording media, recorded images and audio recordings are the property of the Department.

   2. Unofficial or unauthorized dissemination outside of the agency is strictly prohibited without specific written permission of the police chief.

   3. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the police chief or his/her designee.

   4. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

   5. At the conclusion of any trial proceedings or as otherwise authorized by the prosecutor’s office for which the media was required, all copies shall be submitted to the police chief or his/her designee for retention and storage.

I. Consider Giving Notice or Obtaining Consent for Recording.

   1. Law enforcement authorities are not required to inform adult or juvenile suspects of recording.

   2. Lack of consent to recording does not affect the admissibility of a recorded statement.

   3. Giving notice of recording can foster public trust in law enforcement.

   4. Officers should trust their discretion about whether a particular suspect is likely to be inhibited by notice of recording.

J. The Role of Written Interview Summaries.

   1. Officers shall continue to prepare incident narrative reports of interviews and continue to obtain written statements from suspects. Electronic recording is not a substitute for traditional methods of memorializing interviews.

   2. Defendants might not dispute the questioner’s version of what occurred during an interview, and some cases might be resolved based on written reports alone, thus minimizing the costs of copying or transcribing recordings. Written statements are important because they can provide clear and concise evidence of guilt. Statements also tend to demonstrate that incriminating
statements were made voluntarily. It is not necessary for written statements to include all the details of an interview; it is sufficient to summarize the relevant portions.

IV. ADDITIONAL JUVENILE CONSIDERATIONS

A. All interrogations, interviews, and questioning of juveniles shall be conducted in a manner to ensure the protection of the juvenile’s constitutional rights; the same rights as afforded an adult. Officers shall exercise good judgment in accepting a waiver of rights from a juvenile. The juvenile’s physical condition, age, intelligence, educational level, prior experience with the juvenile justice system, and his/her ability to comprehend the meaning and effect of his/her statements shall be carefully evaluated in each case.

B. In cases where a juvenile is a suspect in a criminal matter and requests to speak with a parent or guardian, he/she may be afforded the opportunity to confer with their parent. This is not a requirement by law, however; the decision whether or not to allow contact with a parent may carry considerable weight in determining whether an admission/confession is admissible in court. In all instances in which there is a difference of opinion between a juvenile and his/her parents or guardian regarding whether or not the juvenile will agree to speak with police regarding a suspected criminal offense and the juvenile has a rational capacity to pursue his/her best interest, the juvenile’s wishes will prevail. (6.6.4.2)

C. All custodial interrogations of juveniles must be electronically recorded when feasible, and without exception when questioning occurs at a place of detention. This should also include Village ordinance violations along with any criminal matters.

1. Audio taping is sufficient to satisfy this requirement, videotaping is preferred. Videotaping may provide a better picture of what transpired during the interrogation. All interview/interrogations conducted at the Holmen Police Department will be done in the interview room.

2. If the interview cannot be conducted in the interview room because the room is in use, it may be conducted in a conference room and an audio recording will be made.

3. It is recognized that interviews may be conducted at other locations such as schools or the juvenile’s home. These interviews should be electronically recorded.
   a. It is preferred that interviews take place at the juvenile’s home, or Stepping Stones if the interviewer believes a hostile environment might per sway the child’s interview at home.
   b. If it becomes necessary to interview at schools
1) Police officers have no absolute right to enter the school premises and demand to interrogate any pupil.

2) On arrival at a school, officers should contact the school administrator or his/her designee, and the SRO, stating the purpose of his/her presence prior to personally requesting information, interviewing, or taking a juvenile into custody.

3) As a general rule, students should only be questioned in a private room or office and in the presence of a representative of the school. School officials should limit their numbers in attendance and participation at these interviews.

4) Officers should make all attempts to abide by school district rules pertaining to law enforcement related dealings with students.

4. Interrogations shall not be unreasonable in length. When questioning a juvenile, officers shall not prolong the interrogation beyond what is needed in order to complete the investigation, with one officer conducting the investigation. When appropriate, parents will be advised of the results of the interrogations. (6.6.4.3)

5. During the course of the interview/interrogation, the officer shall attempt to answer questions, as well as explain department and juvenile justice system: procedures to the juvenile offender and his/her parent/guardian.

6. All interviews whether adult or juvenile should contain the following Information:

The interviewing officer shall begin the recording by stating the following:

- Incident Report Number
- Location of the Interview
- Officer's First and Last Name
- Juvenile's / Adults Full Name
- Names of Everyone Else Present
- Date
- Beginning Time of Interview
- The officer shall advise the juvenile / Adult of his/her Miranda warnings, when required by law.
- Conduct the Interview
- Once the interview is completed the officer shall close with the ending time of the interview.
This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 05/03/2016
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: EYEWITNESS IDENTIFICATION

NUMBER: 4.5

ISSUED: 10/20/2016

SCOPE: All Sworn Personnel

REVIEWED: 06/22/20

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI §175.50(2)

WILEAG 4th EDITION STANDARDS: 16-6.3.7

INDEX AS: Eyewitness Identification

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines for the use of eyewitness identification procedures involving photo arrays, live lineups, show-ups, & facial composites. Further, to reduce the risk of wrongful conviction of innocent persons while increasing the probability of convicting the guilty persons.

This Policy and Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURE

I. POLICY

Eyewitness identification has always been a powerful tool for investigating and prosecuting criminal cases. Eyewitness evidence can be the most important and convincing evidence in a case. Research and nationwide experience suggest that eyewitness evidence can be fragile, and that eyewitnesses can be mistaken. Eyewitnesses can make identification errors, but those errors may be difficult to detect, because the witnesses are sincere and have no motive to lie. When wrong, they usually are not being deceitful, but are simply 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 here in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and conforms to the established legal procedure.
II. DEFINITIONS

*Photo Array:* The sequential showing of multiple photographs to an eyewitness for the purpose of obtaining an identification.

*Live Lineup:* The presentation of a number of individuals, including a suspect, sequentially before an eyewitness.

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

III. PROCEDURE

- As officers prepare to utilize procedures for eyewitness identification, they may wish to review the most recent information provided by the State of Wisconsin Department of Justice, “Eyewitness Identification Best Practices” found on the WILENET web site.

A. Photo Arrays & Live Lineups General Considerations

1. Use at least six photographs of individuals who are reasonably similar in age, height, weight, and general appearance and of the same sex and race;
2. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic compositions, and never mix mug shots with other snapshots or include more than one photo of the same suspect;
3. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the array;
4. Show the photo array to only one witness at a time;
5. Never make suggestive statements that may influence the judgment or perception of the witness, and
6. Preserve the photo array, together with full information about the identification process, for future reference and place into evidence.

1. Lineups

a. The primary investigating officer shall be responsible for:
   1. Scheduling the lineup on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel and all witnesses,
   2. Fulfill the necessary legal requirements for transfer of the subject to the lineup location should he/she be incarcerated at a jail, make timely notice to the jail concerning the pickup and make arrangements for picking up the prisoner; and
   3. Make arrangements to have four to six other persons act as “fill ins” at the lineup who are of the same race sex and approximate height, weight, age and physical appearance and who are similarly clothed.

b. The officer in charge of conducting the lineup shall
ensure that the prisoner has been informed of his or her right to counsel if formal charges have been made against him or her, and also ensure that she or she has the opportunity to retain counsel or request that one be provided;

ii. Obtain a written waiver on the prescribed departmental form should the prisoner waive his or her right to counsel;

iii. Allow counsel representing the accused sufficient time to confer with his client prior to the lineup and observe the manner in which the lineup is conducted;

iv. Advise the accused that he or she may take any position in the lineup which they prefer and may change positions prior to summoning a new witness;

v. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;

vi. Ensure that a complete written record and videotape recording of the lineup proceedings is made and retained;

vii. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the lineup;

viii. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with on another during the lineup proceedings, and;

ix. Avoid using statements, clues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses’ decision-making process or perception.

B. Show-ups General Considerations:

Some courts have suppressed identification evidence based on the use of show-ups due to inherent suggestiveness of the practice (State v. Dubose) Therefore, the use of show-ups should be secondary in preference to the use of photo arrays or lineups when possible. However, when exigent circumstance requires 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. Show-ups should not be conducted at law enforcement headquarters or other public safety buildings.

3. Specifically instruct eyewitnesses that the real perpetrator may or may not be present.

4. Show-ups should not be conducted with more than one witness present at a time. If identification is conducted separately for more than one witness, witnesses should not be permitted to communicate before or after any procedures regarding the identification of the suspect.

5. The same suspect should not be presented to the same witness more than once.

6. Show-up suspects should 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 should be scrupulously avoided.
8. Assess eyewitness confidence immediately following an identification.

C. Facial Composite General Considerations
1. Inaccurate information from outside an eyewitness’s memory can taint development of a composite. As with photo arrays, live lineups, and showups, composites can be compromised if the witness’s description relies on information learned from external sources after the crime; or
2. If the person administering the procedure either unintentionally supplies the witness with information or unintentionally incorporates outside knowledge of the case into the production of the composite.
3. For this reason, when a composite is used, double-blind concepts & principles in which both the witness and the person making the composite are unaware of external information about the case may be helpful.
4. It may not be feasible to conduct a completely double-blind procedure for a variety of reasons, in which case witnesses should be told to rely on their independent recollection of the event – not information learned from other sources – and administrators must be mindful of any natural tendency to incorporate prior knowledge into the process.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 10/20/2016
PURPOSE
This order establishes a guide for investigating sensitive crime.

POLICY
Recognizing the pressures on the victims of sensitive crimes, it is Department policy to approach such offenses with sensitivity and professionalism.

DEFINITIONS
- **Sensitive crime**: offenses relating to sexual assault. See Policy Procedure 2.2 for Child Sexual assault, Child Neglect or Abuse.

PROCEDURE
A. **Responding Officers’ Responsibilities**.
   1. Assess medical needs and determine if a sensitive crime occurred.
   2. Conduct/coordinate a canvas for suspects/witnesses.
   3. Request Investigative assistance if necessary if available and contact Child Protection if the victim is a juvenile.
   4. Refrain from lengthy interviews to save victims from repeating details in subsequent interviews; limit interviews to jurisdiction, suspect data, and efforts to comfort/reassure him/her. If specially trained personnel are not available responding officer will conduct interview.

B. **Investigative Team**.
   1. Specially trained personnel are available to respond if available
   2. The team may consist of personnel who have skill in dealing with victims and collecting evidence.

C. **Responding Officer or Investigative Responsibilities**.
   1. Obtain data from responding officers.
   2. Conduct victim, witness, and suspect interviews.
   3. Oversee/perform evidence collection.
   4. Arrange victim transportation to the hospital if needed.
   5. Assist hospital personnel with evidence collection.
   6. Provide the victim with pertinent assistance, such as:
      a. Victim compensation or support programs.
      b. Reasons for exams.
      c. Clothing, if original clothes are held as evidence.
   7. Report completion will include:
      a. Sexual assault kit pack and forms.
      b. Related hospital documents.
c. Medical release, property/evidence forms, related investigative reports.
8. If the responding officer handles the complete investigation s/he will perform the above steps.

D. Evidence.
   I. Evidence will be labeled, placed in containers with related warnings, secured in evidence areas or routed to the Property Section.
   II. Assault kits have instructions that MUST be followed. The officer/investigator is responsible for securing and mailing if necessary.

Chief of Police
Shane Collins
PURPOSE: The purpose of this Policy & Procedure is to establish guidelines and procedures to the members of the Holmen Police Department for the protection of victims in domestic violence situations; the identification of predominant aggressors in domestic violence situations; and the enforcement of restraining orders. The application of this Policy & Procedure proposes to deter future acts of domestic violence; to minimize return calls to the Department, and to reduce the potential for injuries to victims and officers.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURES
IV. RESTRAINING ORDERS
V. FOREIGN PROTECTION ORDERS

I. POLICY

The Holmen Police Department maintains that the nature and seriousness of crimes committed between family/household members are not mitigated solely because of the relationships or living arrangements of those involved. It is the policy of this Department that domestic violence is not a private matter, but involves serious criminal offenses that will be treated with the same consideration as violence in other enforcement contexts and, consistent with this policy, that officers combine the use of appropriate community services with enforcement of the law to (1) break the cycle of domestic violence by preventing future incidents or reducing the frequency and/or
seriousness of such incidents, (2) protect victims of domestic violence and provide them with support, and (3) promote officer safety when dealing with domestic abuse situations.

II. DEFINITIONS

**DOMESTIC ABUSE:** Has the meaning specified in WI §968.075(1)

**LAW ENFORCEMENT AGENCY:** Has the meaning specified in WI §165.83(1)(b)

**PREDOMINANT AGGRESSOR:** Means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.

**PROBABLE CAUSE:** refers to that quantum of evidence which would lead a reasonable police officer to believe that the suspect probably committed a crime. It is not necessary that evidence be 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 officer to believe that guilt is more than a possibility. This belief may be predicated in part upon hearsay information.

**FOREIGN PROTECTION ORDER:** Any temporary or permanent injunction or restraining order issued by any civil or criminal court in the United States (including the District of Columbia, a commonwealth, territory, or possession of the U.S., and Indian Tribes) for the purpose of preventing abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts, or violence by or to a person.

**VINE:** Wisconsin’s “Victim Information and Notification Everyday system.”

III. PROCEDURES

A. (6.3.9.1) Whenever possible, a minimum of two (2) officers will be dispatched to a domestic disturbance. Officers should wait for backup unless circumstances dictate an immediate entry into the residence to prevent serious injury or death.

1. Approach the scene remembering that it may be potentially dangerous.

2. Make a legal entry into the residence.
   a. If entry onto private property is refused - don't go away.
      1) Be persistent - knock again. Convey to the person that this attitude is understandable but that the officer is required to make sure there are no serious problems. Indicate that after a short opportunity to look around and ask a few questions and the investigation indicates no problems exist, the officer will leave.
2) If no response is received from within the residence have the dispatcher attempt to contact the occupants by phone.

3) If probable cause exists that a crime has been, is being, or is about to be committed, forced entry may be used when there is no other reasonable alternative. The exigent circumstances, all relevant information, including statements from witnesses, the officer’s visual and audio observations, and any damage resulting to the property, should be contained in the officer’s report.

b. If the initial disturbance call was made by a third party but both parties to the domestic dispute refuse to admit the officer, a breach of peace may have occurred. The officer should be persistent and minimal action should include:

1) Inform the parties that a call has been received regarding their conduct.

2) Request voluntary compliance or attempt to determine if exigent circumstances would allow forced entry.

3) After entry to a dwelling on the consent of either or both parties, and subsequently, both parties request the officers to leave, the officers must leave unless they have reasonable grounds to believe that their continued presence is necessary to prevent serious bodily injury.

   a. Check the scene for potential hazards to both yourself and others.
   b. Physically separate parties involved in domestic violence.
   c. Restore order by gaining control of the situation.
   d. Take control of all weapons used or threatened to be used in the crime.
   e. Assess the need for medical attention and call for medical assistance if indicated.

B. Make a complete investigation at the scene.

   1. Investigation should include obtaining written statements from the victim, suspect, children and other potential witnesses. In particular, note any excited utterances, admissions against interest, and other informal statements as well as formal statements. (It is essential that statements be obtained at the scene whenever practicable).

   a. Victim should include a brief statement relating to the non-consent for any injuries incurred, threats and/or actions by the suspect against them;
   b. a detailed description of alleged illegal acts should be obtained;
2. Specific description of the victim’s injuries should be recorded and photographed;

   a. if medical attention is necessary, a statement regarding the treatment should be included in the report.

   b. A medical release form should be completed for the appropriate County at the time of the initial interview.

3. Document and photograph any property damaged. Note if a particular item belonged to one of the parties.

4. Appropriate evidence should be collected and processed;

5. Determine if there is a history of police calls, threats, or physical abuse and/or alcohol/drug abuse incidents involving the parties.

6. Check for existing restraining orders or injunctions.

7. Provide the appropriate County Domestic Violence Shelter information for victim services whether or not an arrest is made. The officer should advise the parties involved of the availability of domestic abuse services; and in particular give the victim immediate notice of the availability of shelter services through the appropriate County Domestic Abuse Intervention Shelter.

8. Call the appropriate County Domestic Violence Shelter (New Horizons) to inform them of the incident regardless of an arrest was warranted.

C. If the offender has left the scene and a crime has been committed, the officers will do the following:

1. Search the immediate area,

2. Obtain information from victims and witnesses as to where the offender might be,

3. Notify the LEDC to put out an attempt to locate message with appropriate suspect information and any vehicle information.

D. If children are present - Remove any children from the area and keep them in a safe place away from the dispute and enforcement actions that may be taken involving either of their parents.

1. Take care to protect children from further trauma and/or anguish.

2. Attempt to contact the closest relative to provide care if there are children
under the age of 17.

3. If possible do not arrest a parent in front of their children.

4. Obtain a statement from the children as to what they observed, any verbal or physical abuse or other violence that they may have seen leading up to the incident and in the past directed at the children, the parents or pets.

5. If the disposition of a dispute leaves minors in the home without a responsible adult, officers are to contact the appropriate County Department of Health and Human Services for temporary arrangements.

6. When an officer is aware that a child appears to be a victim of physical and/or sexual abuse, potential emotional stress, or neglect, the officer will take appropriate action in accordance with Department Policy 2.1, Reporting of Child Abuse.

E. (6.3.9.2) Mandatory Arrest

1. The officer shall arrest and take a person into custody if:

   a. the officer, after investigating the incident, has probable cause to believe that the person is committing or has committed domestic abuse and that the person’s actions constitute the commission of a crime; and

   b. any of the following circumstances are present:

      1) The officer has a reasonable basis for believing that there is a possibility of continued violence against the victim; and

      2) There is evidence of physical injury to the victim.

      3) The person is the predominant aggressor.

4) **Domestic Relationship:** Any adult perpetrator (17 years of age or older in a domestic relationship with another person as described below:

   - Spouse
   - Former Spouse
   - Adult with whom perpetrator resides with
   - Adult with whom the perpetrator has created a child in common with.
   - Adult boyfriend/girlfriend
   - Adult boyfriend/girlfriend in a dating relationship as defined (a romantic or intimate social relationship, but not to include a casual relationship)
**Domestic Abuse:** Any of the following engaged in by persons in a domestic relationship:

- Intentional infliction of physical pain, physical injury or illness.
- Intentional impairment of physical condition. o A violation of section 940.225(1)(2) or (3) of the Wisconsin State Statutes (excluding 4th degree sexual assault)
- A physical act which may cause the other person to reasonably fear imminent engagement in the conduct described in 1, 2 or 3.
  - **Persons Under Age of 17:** Domestic situations involving one or more persons under the age of 17 should be handled on an individual basis to see if they fall under the guidelines established in Chapter 948 of the Wisconsin State Statutes

2. The alleged domestic abuse incident must be reported within 28 days after the incident is alleged to have occurred unless mitigating circumstances prevented the victim from reporting.
   a. If there are no mitigating circumstances then the officer will document the incident and make referrals to the DA and Domestic Violence Shelter Facility.

3. An arrest **shall** be made under the above requirements even if the victim expressly indicates a desire not to prosecute or indicates an unwillingness to cooperate.

4. The decision to make a mandatory arrest will not be affected by the relationship of the parties, i.e. marriage is not a bar to prosecution for sexual assault. An officer’s decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment.

5. If the above circumstances exist and the suspect is not present, the officer will make a reasonable effort to locate and take the suspect into custody as provided in III.C. above.

6. For purposes of this Policy & Procedure, arrest shall be defined as custodial arrest and the arrested person must be booked in the La Crosse County Jail and the jail personnel will be told that the arrest is a domestic abuse related incident.

F. Determining the predominant aggressor:

1. Unless the arrest is mandatory, it is generally not appropriate to arrest anyone...other than the primary aggressor. Dual arrests should be avoided, if possible.
2. In order to protect victims from continuing domestic abuse, officers shall consider all of the following in identifying the primary aggressor:
   a. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.
   b. Statements made by witnesses.
   c. The relative degree of injury inflicted on the parties.
   d. The extent to which each person present appears to fear any party.
   e. Whether any party is threatening or has threatened future harm against another party or another family or household member.
   f. Whether either party acted in self-defense or in defense of any other person under the circumstances described in WI §939.48.

G. Procedures upon Arrest for Domestic Abuse

1. **CONTACT PROHIBITION** WI §968.075(5) prohibits a person who has been arrested for domestic abuse from having contact with the alleged victim for a period of 72 hours following the arrest. No one other than attorneys for the parties and law enforcement members contact the alleged victim on the arrested person's behalf.
   - In La Crosse County this prohibition is extended to the initial court appearance
     a. Officers should let the arrested party know of this contact prohibition at the time of arrest.
     b. If the arrested party for domestic abuse is released from custody before the prohibited contact period has expired, the person releasing the subject will inform that person orally and in writing of the contact prohibition.
     c. Whenever probable cause exists that a person has violated this contact prohibition, an arrest shall be made.

2) If a person arrested for domestic abuse commits an act of domestic abuse during the first 72 hours after arrest, that act is then classed as a felony under WI §939.621. This applies whether or not the victim waived the no-contact provision.

3) If a person arrested for an act of domestic abuse has two (2) or more prior domestic abuse convictions within the previous ten (10) years, that act is then classed as a felony under WI §939.621. A prior domestic abuse conviction includes crimes where a court imposed a
domestic abuse surcharge or waived a domestic abuse surcharge. A good indicator of whether a surcharge was imposed or waived may be found on an offender’s CCAP record under the “View history and details of Charge(s)/Sentence(s)” link, where a count may be modified with the descriptor “Domestic Abuse.” Furthermore, the victim of the current act that is the subject of the enhancer does not need to be the same victim(s) as in the prior acts.

2. **WAIVER OF CONTACT PROHIBITION** At the time of the arrest, the alleged victim must be made aware of the no contact prohibition and that they may, at any time during the no contact period following the arrest, waive the contact prohibition by going to the County Jail to complete the available waiver form.

3. (6.3.9.3) **INFORMING THE VICTIM PENDING PERPETRATOR RELEASE**
   a. Victims should be provided the appropriate VINE information to allow them to keep track of the incarcerated perpetrator.
   b. The County Jail will notify the appropriate Domestic Violence Shelter of the pending release so the shelter can contact the victim.
   c. In cases of domestic abuse arrests and where otherwise warranted, it is recommended that the arresting law enforcement agency be notified of the suspects pending release.

H. **Required Reports**
   1. An incident report shall be filed with the District Attorney’s Office for all domestic cases in which a suspect has been arrested.

   2. If it is determined that a crime of domestic abuse has been committed and the suspect has left the scene, a reasonable effort should be made to locate this person. If the suspect cannot be located within 24 hours of the incident or after the report is received, a copy of the incident report shall be forwarded to the District Attorney’s Office for review.

   3. (6.3.9.4) 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 shall prepare a written report stating why the person was not arrested.

      a. The report shall be submitted to the District Attorney’s office in the county where the acts took place, immediately after investigation of the incident has been completed. The district attorney shall review the report to determine whether the person involved in the incident should be charged with the commission of a crime.
b. Issuance of a Non-Traffic Citation (NTC) is NOT in compliance with the mandatory arrest law. The District Attorney will make appropriate decisions regarding issuance of an NTC.

C. Photograph scene and injuries to the victim when applicable.
   NOTE: There may be a need to take photographs of the victim’s injuries 24 hours following the incident. This shall be reported in the investigating officer’s report.

D. Obtain a medical release from the victim when applicable.
   If there are signs of physical abuse or neglect to the children, protective services shall be notified and made aware of such observations

I. Special Circumstances Associated with Domestic Disputes.
   1. Conflict of interest/personal relationship - Officers who respond to a domestic disturbance call wherein they feel they may have a conflict of interest, (i.e.... personal relationship), will so advise the other responding officer(s).

   2. Weapons. If a weapon is present and constitutes a clear and present threat of violence, officers are to impound the weapon and see that it is properly tagged and stored in evidence. The owner should be informed of the method to reclaim the property at a later date and provided a property receipt. Any weapons used in the commission of a crime must be confiscated as evidence. Whenever a weapon is removed from the home, documentation must be presented in the report.

   3. Custody of Children - Domestic disturbances concerning the custody of children are extremely complicated.
      a. Where both parties have custody of a child, the officer has no authority to act when one party claims the other has taken the child from the other party.

      b. In all custody disputes, efforts will be made to preserve the peace and to ensure the safety of the child(ren). Parties should be encouraged to resolve the dispute through consultation with the attorneys and the court involved in the custody.

      c. When one party has taken a child from another party who has legal custody through a court order and has demonstrated intent to take the child out of state and deprive the party of custody, the officer may make a custodial arrest under WI §948.31(2). This arrest will prevent the child from being taken out of state and allow for a full investigation to be made.

      d. Officers do not normally have the authority to enforce orders made relating
to custody of a child, (e.g. where one party is ordered not to contact another party, visitation orders, etc.). Such court orders can only be enforced when there is specific order from the court ordering the police to take a specific action or as provided in WI §948.31(3).

e. Officers have authority to act in situations where ordinance or statutes have been violated.

4. Removal of Personal Property - When an officer is called to a disturbance in which one party has decided to take personnel property from the home; the officer's actions are limited to standing by and preserving the peace while the property is being removed. In the event of a dispute over property ownership, the parties involved shall be advised the matter is civil in nature and the property will stay unless a court document identifies ownership.

IV. RESTRAINING ORDERS AND INJUNCTIONS

A. WI §813.12(7) provides for mandatory arrest for violation of a domestic abuse restraining order/injunction and WI §813.125(6) provides for mandatory arrest for violation of a harassment restraining order/injunction.

1. Confirmation of Existence: Before making an arrest for violation of a Restraining Order or an Injunction, officers shall confirm through the La Crosse County Public Safety Communication Center the following:
   a. That the Restraining Order or Injunction has been served on the respondent and,
   b. That the Restraining Order or Injunction has not expired.

2. The arrest must be made even if the victim permitted the suspect to return contrary to the restraining order or injunction. No private person can authorize the violation of a court order, including the victim. (WI §813.12(7) and §813.125(6)).

3. Failure to make the mandatory arrests may subject Officers to civil and criminal liability and disciplinary action.

V. FOREIGN PROTECTION ORDERS

A. WI §806.247 and Federal Title 18 U.S.C. 2265 require full faith and credit for foreign protection orders. Therefore, officers must enforce valid foreign protection orders as if they were issued by the local court.

1. Officers can verify a foreign order is enforceable in the following ways:
   a. The officer sees a certified hard copy of the order.
b. The order is entered into the TIME system.
c. The officer has communication with other authorities who can confirm the existence and validity of the order.

2. When the respondent claims no service of a protection order; and the officer cannot verify service, no arrest should occur and the officer shall:
   a. Verify the existence of an order.
   b. Explain the terms of the order to the respondent, and provide a copy of the order, when possible.
   c. Explain the consequences of future violations.
   d. Notify the issuing authority that the respondent has received notice and/or a copy of the order and of any arrests made.

3. Interstate travel to violate an order of protection, to stalk any petitioner or member of their immediate family, or to commit domestic violence constitute Federal crimes. In addition to any applicable state charges, the offender should be referred to the local office of the Federal Bureau of Investigation (FBI).

B. FOREIGN NATIONALS - Refer to the “WISCONSIN DEPARTMENT OF JUSTICE GUIDE FOR LAW ENFORCEMENT CONTACTS WITH FOREIGN NATIONALS” located on WILENET. This provides guidance to Law Enforcement agencies on various treaty obligations concerning the rights of foreign nationals in the U.S. to be assisted by consular officials.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 09/07/2016
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: CRIME SCENE PRESERVATION NUMBER: 4.8
SCOPE: ALL DEPARTMENT PERSONNEL ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL REVIEWED: 06/22/20

POLICY
The purpose of this policy is to outline procedures for the preservation of the evidence relating to the commission of the crime. Each officer must believe that when a crime is committed there is evidence present that may lead to the perpetrator(s). Each crime scene presents an officer with a different set of circumstances and sometimes new situations. However, each crime scene will require basic tasks and responsibilities.

PROCEDURE
The first officer at the crime scene will be the officer in charge and will maintain a log of the activities, times, individuals and other officers present at the scene.

DUTIES
1. Protect the crime scene. Identify and neutralize imminent dangers to persons already at the scene and other personnel responding to the scene.
2. Render assistance to the injured and relay pertinent information to the Dispatch Center.
3. Determine the nature of the crime, identify suspects and witnesses and make necessary arrests.
4. Secure the crime scene and protect all possible evidence by excluding all persons except for those actually needed in the investigation of the crime scene. This includes officers not needed to process the scene, these officers can be utilized to secure the perimeters of the crime scene.
5. Once the scene is secured, the first officer at the scene will determine if additional help is needed at the scene. This determination will be made by considering the nature of the crime, the complexities of processing the scene and further investigative follow-up that may be needed, and if necessary, by consulting a supervisory officer.
6. If an investigator is not to be called to the crime scene, the office in charge will continue the investigation and processing of the scene through its completion.
7. If further investigative help is to be called, the first officer shall protect the scene until an investigator arrives. The investigator will then be in charge of the scene and will continue the investigation and processing of the crime scene through its completion.
8. Administrative level officers will contact the officer in charge of the crime scene before entering the crime scene.

Chief of Police
Shane Collins
PURPOSE: The purpose of this Policy & Procedure is to emphasize the needs of victims of criminal and noncriminal incidents; define the responsibilities of officers to provide support, information, and guidance for these individuals; establish uniform guidelines for victim/witness assistance; and comply with the requirements of Wisconsin Statutes.

This Policy consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. VICTIM/WITNESS BILL OF RIGHTS

IV. PROCEDURES

I. POLICY

Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long-term impact on the victim’s emotional recovery.

Victims who feel that they are understood and shown concern for their hardship and suffering, are more likely to become enthusiastic about cooperating with the investigation and assisting in the prosecution.
Therefore, it is the policy of the Holmen Policy Department to enhance the treatment of victims and survivors of crime and non-criminal crisis situations by providing the assistance and services necessary to speed their physical and emotional recovery; and to support and aid them as they continue to interact with the criminal justice system. In all cases victims will be treated with dignity, respect, courtesy and sensitivity as intended by the State of Wisconsin Victim’s Bill of Rights.

II. DEFINITIONS

*Crime*: Has the meaning specified in WI §950.02(1m)

*Victim*: Has the meaning specified in WI §950.02(4).

*Witness*: Has the meaning specified in WI §950.02(5)

III. BILL OF RIGHTS FOR VICTIMS AND WITNESSES (14.1.1)

1. To be treated with fairness, dignity and respect for his or her privacy.
2. To not have personal identifiers including email disclosed/used for a purpose unrelated to the official duties of an agency, employee or official.
3. To have “standing” to assert their rights in a court in the county of the alleged rights violation.
4. To be informed of your rights and how to exercise your rights.
5. To information regarding the offender’s release from custody.
6. To be notified of a decision not to prosecute if an arrest has been made.
7. To speak (confer) with the prosecutor upon your request, about the possible outcome of the case, potential plea agreements and sentencing options.
8. To attend court proceedings in the case.
9. To be notified of the time, date and place of upcoming court proceedings, if you so request.
10. To be provided with a waiting area separate from defense witnesses.
11. To a speedy disposition of the criminal case.
12. To have your interest considered when the court is deciding to grant a request for a delay (continuance).
13. To be notified if charges are dismissed.
14. To be accompanied to court by a service representative. This right is limited to specific types of crimes.
15. To ask for assistance with your employer if necessary, resulting from court appearances.
16. To request an order for, and to be given the results of, testing the offender for sexually transmitted diseases or HIV. This right is limited to specific types of crimes.
17. To provide a written or oral victim impact statement concerning the economic, physical and psychological effect of the crime upon you to be considered by the court at sentencing.
18. To have the impact of the crime on you included in a presentence investigation.
19. To be provided sentencing or dispositional information upon request.
20. To restitution as allowed by law.
21. To a civil judgment for unpaid restitution.
22. To compensation for certain expenses as allowed by law.
23. To have your property expeditiously returned when it is no longer needed as evidence.
24. To be notified of the offender's eligibility for parole and to have input into the parole making decision.
25. To be notified by the Department of Corrections of specific types of releases, escapes or confinements as provided by law.
26. To be notified of a pardon application to the governor and to make a written statement regarding the pardon application.
27. To contact the Department of Justice about any concerns you may have about your victim rights

B. As provided in §950.04(2w), witnesses of crimes have the following rights:

1. To request information from the district attorney about the final disposition of the case.
2. To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled, in order to save the person an unnecessary trip to court.
3. To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
4. To be informed of financial assistance and other social services available as a result of being a witness of a crime, including information on how to apply for the assistance and services.
5. To not have his or her personal identifiers, as defined in §85.103 (1) and including an electronic mail address, used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.
6. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.
7. To be provided a waiting area under §938.2965 and §967.10.
8. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed shall be returned to the person within 10 days of being taken.
9. To be provided with appropriate intercession services to ensure that employers of witnesses will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.
10. To be entitled to a speedy disposition of the case in which they are involved as a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.
IV. PROCEDURES

A. Safety and Security
1. Officers are responsible for securing the crime or incident scene to protect lives, minimize damage to property and ensure safety of the scene.
2. Officers shall render emergency aid to individuals who have suffered physical injuries, and shall as soon as possible, summon any necessary medical assistance.
3. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required.
4. In order to reduce fear and promote victim communication, victims should be informed as soon as appropriate that they are no longer in immediate danger.
5. Recognizing that victims often suffer physical and/or emotional shock, officers shall assist them in making decisions and keep them informed of police actions and requirements.
6. Whenever possible, police officers should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, family or clergy member join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.

B. Emotional Support to Victim
1. In order to calm and assist the victim in regaining composure, officers shall:
   a) Allow the victim a reasonable period of time in which to express feelings and emotions while describing what happened during the incident.
   b) Express empathy for the victim and recognition and understanding for emotional reactions.
   c) Provide reassurance that the victim’s feelings are normal and understandable.
   d) Not be overtly judgmental of the victim’s feelings and emotions or the apparent lack thereof, or of victim judgments or actions related to the incident.
   e) Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator.
   f) Emphasize your commitment and that of the department to assist and work with the victim.

C. (14.1.2.5) Information and Referral to the Victim
1. Before leaving the scene, the investigating officer shall take the steps necessary to meet the victim’s need for support and information. These include:
   a) Make a reasonable attempt to provide the crime victim with written information concerning their rights as a crime victim no later than 24 hours after initial contact with the victim per §950.08(2g). This will be done by completing and issuing the appropriate Victim Information Form.
b) The completed Victim Information Form shall include the investigating officer’s name, the incident number, the police department’s telephone number, the offender's name (if known), as well as pertinent information required by §950.08(2g) regarding the victim's rights, available compensation, various services and assistance, and how to access suspect information; including the phone numbers of those and related agencies for future contact relating to the incident.

c) (14.1.2.4) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.

d) (14.1.2.3) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under Wisc. Stat. Sec. 938.27(4m) and (6), 938.273(2), 938.299(1)(am) and 938.335(3m)(b) or Wisc. Stat. Sec. 971.095(3) and 972.14(3)(b), whichever is applicable, and to request the opportunity to confer under Wis. Stat. Sec. 938.245(1m), 938.265 or 938.32(1)(am) or 971.095(2), whichever is applicable.

c) Provide a brief overview of what actions will be taken shortly thereafter, and answer questions the victim may have concerning the investigation.

d) Encourage the victim to contact the department to report any additional information about the incident or to request further information or assistance.

D. Follow-up with the Victim

1. (14.1.2.7) Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victim’s survivors. The primary investigating officer handling the criminal case shall notify victims/witnesses of the status of the investigation; make routine call backs in order to determine whether the victim has new information concerning the case; ascertain whether the victim is in need of assistance from outside sources or the department; and to relay information relating to such matters as;

a) The status of stolen, recovered, or removed property;

b) The arrest and detention of suspects, and their pre-trial release status;

c) (14.1.2.2) The victim’s eligibility for victim compensation;

d) Availability of court restraining orders, if appropriate;

e) (14.1.2.6) Information on procedures to use if threats or intimidation occurs as a result of their involvement in the complaint.

f) Potential court proceedings; and the operations of the Department and the criminal justice system.

g) When the charging decision by the District Attorney’s Office on a referred criminal case is that the DA’s Office declines to charge, the investigating officer will be notified. That officer will notify the victim of the current status
of the case. The investigating officer will then determine if the case will be
documented as “Exceptionally Cleared” or referred to Municipal Court for
prosecution. The victim will be notified of this decision.
h) Procedures for recovering property and an estimated time frame for the
release of property as deemed by the District Attorney.

E. Information Provided to Witness
1. The following information shall be provided to witnesses in criminal cases
handled by the Holmen Police Department;
   a) A brief summation or overview of where the investigation stands, and the
      reason(s) for the particular status of the investigation. When possible, the
      witness will be notified when the suspect has been taken into custody.
      This shall not be done if release of this information in any way harms or
      interferes with an investigation.
   b) Information to prepare them for their potential involvement in criminal court
      will be handled by the District Attorney’s Victim/Witness Coordinator.
   c) Appropriate referral information pertaining to the District Attorney’s
      Victim/Witness Coordinator. All names, addresses, and phone numbers can
      be located on the Victim Information Form.
   d) Information on procedures to use if threats or intimidation occurs as a result
      of their involvement in the complaint.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative
to the subject matter contained herein.

Initial 02/06/2017
POLICY

In order to assure a chain of evidence in the handling of any items which come under the control of the Holmen Department personnel, and in order to preserve said items in the condition in which they were received. Officers are to be completely familiar with the mechanics involved with evidence handling. All department personnel are responsible for collected items from the time they take control of them until it is placed in evidence system. Evidence system shall consist of lockers provided by department personnel to use for placing seized items within which are to be held for any length of time.

1. The department further will provide the materials needed to mark, tag, package, and record items taken in by department personnel.
2. Any item seized by department personnel as evidence and expected to be used in court must be marked on each piece with officer’s initials, date, and case incident number.

PROCEDURES

(11.1.6.1) The officer assigned to an investigation has the primary responsibility for maintaining the chain of custody, the documentation, collection and preservation of physical evidence, as well as packaging and labeling physical evidence found at a scene.

1. Evidence Technician
   a. Sole one in charge of evidence
      i. His/her responsibility is to secure items brought into permanent storage. Also to maintain permanent records, transport items to other points, and maintain chain of custody.
      ii. He/she is to assess that department personnel have correctly marked, tagged, packaged evidence, and made out properly the property custody document.
         1. In the event there are errors on part of the officer, technician will notify officer(s) to have corrections rectified.

2. Assistant Evidence Technician
   a. Will only function when the Evidence Technician is unavailable. He/she will then take over duties and responsibilities of Evidence Technician and document all his/her actions as such.
3. Keys
   a) Four sets of keys will be dispersed. The first set of keys will be under the control of the Evidence Technician, the second set of keys will be with the assistant evidence technician the third set of keys will be with the Lieutenant and fourth set with the Chief. The keys will include the evidence lockers and evidence room.

4. Evidence Documentation (11.1.6.1)
   a) Department personnel, at the time they place items into evidence lockers, will ensure that the item is marked with an evidence tag. Evidence Forms are properly filled using Vision RMS Record Management System
      1) All items left will have an incident number.
      2) No item will be left without an incident report filed and the incident report will have the corresponding incident number to the item.

   b. The Evidence Technician will obtain item from locker along with the Evidence Form and transfer both to the main evidence room for permanent storage.
      1) The Evidence Technician will maintain Evidence Form in a binder within main evidence room. This binder will have all active evidence forms and when evidence is released or case is closed the evidence form will be transferred to a binder for closed cases. From this point on, the Evidence Technician is responsible for filling out the evidence form as to chain of evidence and obtaining proper signatures or other things needed to maintain records of items being held in Police Department property rooms.
      2) A log book will be maintained by Evidence Technician in the main evidence room. This log will consist of evidence number assigned, original incident number, and description of item, final disposition, and section number within main evidence room where item is stored.
      3) In the event the evidence/property section is computerized, the Evidence Technician will maintain computer program, the same as documents used prior to that time.
      4) The main Evidence/Property Room will not be used to store any item other than evidence/property brought in by department personnel, and any item within the room will be accompanied by an evidence form.
      5) The Main Evidence/Property Room will be secured.
   6) Packaging Evidence – Department Personnel.
      i. Multiple items can be placed in an evidence bag.
      ii. If an officer has beer, cigarettes or tobacco a photo should be taken and these items be destroyed by officer.
      iii. On evidence form place suspects name and what court the incident will proceed.
      iv. If clothing articles are wet, hang them in locker to dry. Leave the Evidence Technician a written memo and he/she can package and put away with other items when dry. Include all on Custody Document, however.
      v. If an officer accidentally closes the locker before all items are placed within it, he/she should use a second locker and leave the Evidence Technician a memo.
      vi. The officer is responsible for completely filling out all of the evidence form.
      7) The Evidence Technician will be responsible, unless otherwise ordered, to package any items of evidence for shipment to crime lab, or other location. Said items to be sent registered mail, or if deemed necessary, to personally transport item to its destination. Evidence Technician is also responsible for proper documentation of said item movement.

5. General Evidence Handling
   a. Department personnel will be responsible for counting, weighing, testing, and recording results of items brought in to be maintained in evidence/property system.
The Department will provide drug testing ampoules for use by department personnel in determining what the drug seized may be. It is department personnel’s responsibility to dispose of used ampoules properly in disposal site. No test ampoule should be placed into evidence as they consist of acids, tending to leak, and can destroy evidence value of the item.

All marijuana, or other drug oriented vegetable matter, will be weighed at the time it is placed into evidence/property and weight recorded in department incident report to be filed in matter.

All pills will be counted and field tested, if possible. The officer will document the count, amount of item used for field test, and result of field test.

Evidence Technician will secure items of narcotics for shipment to crime lab. Results when received to be sent to District Attorney.

Department personnel will not maintain any drug paraphernalia as collectors. The department maintains rights to all paraphernalia taken as course of department personnel’s duties.

b. Computer Evidence. (11.1.6.2)

Photograph the computer area prior to and after collection of evidence.

Disconnect/ disable the modem if there is one from the wall.

Unplug computer from the back of the CPU (DO NOT use the on/off power switch)

Disconnect power to the printer and other peripherals.

Mark/label all cables both input/output at the connections. Photograph all marked connections prior to disassembly of the system.

Photograph and record the serial numbers of the system components if they are available.

Complete a search of the area for floppy diskettes, manuals, and notation which might include passwords for locked files, etc.

(11.1.6.3) The Holmen Police Department will remove certain evidence from computers, tablets and phones for investigative purposes and evidence. Only specially trained officers using electronic equipment (such as Encase, Cellebrite and black bag technologies for example) will remove forensic evidence and handle said evidence. If our trained officer(s) are not able to remove evidence from an electronic device, the item(s) will be packaged and sent to DCI Computer Forensics Unit. Items must be driven to the DOJ building. Directions are located on WILENET.

(11.1.6.4) Computer Evidence Training

Officers shall periodically receive training in the collection, packaging and transportation of digital evidence.

c. Liquid Evidence

Liquids such as beer should be photographed and destroyed by officer. Liquids from drug paraphernalia “bong” should be emptied before placing in storage locker. Any liquids not listed above that may have evidentiary value shall be placed in evidence locker with a memo to evidence technician.

Beer barrels brought in will have the tapper removed from the barrel and appropriately marked by personnel who seized equipment. Officer will document his/her actions.

Combustible liquids will be secured in a safe manner by personnel who seized the item. A proper container, no leakage and possible buildup of fumes, are all to be considered and addressed by department personnel placing any hazardous materials into evidence/property lockers. Special attention will prevail on department personnel who seize such items to leave written information of potential hazard for the Evidence Technician.
d. Bio-hazard material.
   - Department personnel handling bio-hazard type evidence or material, will use all safety devices available to them in securing and handling said material. Department personnel who place said type items into evidence/property will leave written notice of such items' existence for Evidence Technician.
   - Evidence Technician upon learning of such bio-hazardous material will, as soon as possible, check item to guarantee item is safely packaged. Evidence Technician will then remove item to safe permanent storage and will destroy same as soon as possible, and/or as soon as case/courts will allow.

e. Perishable Items.
   - All perishable items seized will be stored in the refrigerator. Department personnel placing item into evidence will fill out evidence form, and will also notify Evidence Technician that item is in freezer.
   - Blood and tissue samples for testing will be stored in refrigerator. Notice forms will be filled out notifying Evidence Technician.

f. Weapons.
   - All guns brought into evidence/property system will be individually tagged. Each gun will be individually listed on the evidence form including, if at all possible, the serial number of each gun.
   - Department personnel placing gun into system will be responsible for unloading said weapon and packaging shells found within gun separately. Officer should also make written notice in his reports as to how weapon was found, if loaded and explain what he found when he unloaded weapon.
   - Weapons jammed with live ammo should be attempted to by officer to clear ammo from gun. If weapon cannot be cleared, it should be placed in locker by itself, and written notice left for Evidence Technician. Reports should reflect actions taken.
   - Evidence Technician, upon notice, should then examine and appraise situation. If possible, he/she will unjam weapon, or call upon technical assistance to clear weapon. Evidence Technician will have written notice of any actions taken on weapon under his/her control. Evidence Technician will package and tag any items removed from firearm by him/her and leave report.
   - The Evidence Technician will not alter a gun's condition in any manner. This then means no gun will be cleaned or protected while in department possession, unless for safekeeping purposes, then only protected for conditioning such as rust.

g. Evidence to be Finger printed.
   - If department personnel bring in items that need to be fingerprinted by department personnel, they need to secure item so it can't be easily touched. They must notify Evidence Technician in writing of fact there are items to process for prints.
   - Evidence Technician will then place item into main evidence room and process as time allows. In event print is developed, item from which print obtained will continue to be held for evidentiary value. However, any items from which no prints can be developed, will be given back to officer to return, or if item is valueless, will be disposed of from system. Evidence Technician will note results on custody documents, and any prints found will be included on custody document and placed into evidence.

h. Fireworks.
   - All pyrotechnics brought into evidence/property will be secured within a container which will be clearly marked as to contents. These items, if possible, should be placed into separate locker.
   - Evidence Technician will remove these to main storage room and store in such a manner as to keep a distance form any flammable liquids.
o Evidence Technician at the time pyrotechnics are to be disposed of, will do so by soaking them in fuel oil, then burning same in safe location.

i. Explosives
   o In the event explosives have to be brought into the evidence/property system of the Police Department, the department personnel involved will notify the Chief or Lieutenant.
   o If at all possible, any fusing device, detonator, blasting caps, or other igniter will be stored separately. Any electrical source is also to be packaged totally apart from explosive device and detonators.
   o All items handled by department personnel must first be secured by persons trained in neutralizing explosive devices. No item will come in the evidence/property system without being neutralized by experts.
   o Once item is into Police Department system, Evidence Technician will check with command personnel to determine where and how said items are to be stored.

6. Procedure for Release of Evidence
   A. All evidence or property held will only be released through the Evidence Technician. Department personnel are to advise requesting parties of the release of evidence procedures at time of request.
      ▪ Evidence will only be released by Evidence Technician and arrangements will have to be made with Evidence Technician.
      ▪ Evidence Technician has right to alter release, dates, or times as needed.
      ▪ If property is not picked up at the appointed time, another appointment will need to be made.
      ▪ If there is a plea of guilty, or find of guilty by the court, then the items of evidence can’t be released until appeal time has elapsed, or a copy of determination not to file appeal is given to Evidence Technician and is attached to custody document.
   B. Information needed at time of release.
      ▪ Name, date of birth, telephone number, incident number, type of incident and property to be released. Evidence release form will need to be filled out by evidence technician and signed by property owner.
      ▪ Locate incident report to be reviewed by Chief, Lieutenant, or Evidence Technician to determine if evidence can be released and what paperwork is required.
      ▪ Written authorization from District Attorney’s Office.
         • Signed release must be received in the Holmen Police Department Office before item will be released.
         • Make one (1) copy of release; give original to Evidence Technician, copy to go with incident report.
   C. Chapter 51 reports.
      ▪ Weapons taken in Chapter 51 incidents cannot be released without a written letter from the physician indicating mental stability or a court order signed by Judge.
   D. Photographing Prior to Release.
      ▪ District Attorney may include as part of release, a condition that items be photographed before release. Evidence Technician will perform this, and attach photos to evidence form.
   E. Unclaimed currency.
      ▪ If the value of the money or goods is $20.00 and less than $100.00, the department shall post a notice of the found money or goods in two public places.
      ▪ If the value of money or goods is more than $100.00, the department shall cause a “class 2” notice as required by chapter §985. The department shall post the notice in two public places and in the local paper.
If the property goes unclaimed or the owner of the property cannot be determined or located, the money will be turned over to the County Treasurer office after one year. A report will be filled and kept on file. Also refer to §59.66

F. Disposal of items out of evidence/property system

- Forfeitures are covered under §973.075 through §973.77.
- Seized but not forfeited items are covered under §973.075(5) and basically says items seized but not forfeited will be returned to rightful owner. Owners must prove ownership to claim item from department.
- Disputes regarding claims of ownership will be handled according to §973.075(5). All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal §66.0139(2). The evidence technician shall request a disposition or status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or investigator. Upon any release or sale of any property, the proper notation shall be made on a report. Proceeds from the sale of unclaimed property shall be deposited into the County Treasury, minus reimbursement for office expenses.

- Clothing, bedding, and items of this nature which are unclaimed may be disposed of per Evidence Technician’s discretion.
- Evidence Technician will note disposition on custody document and/or log book.
- Beer barrels and tappers will be sold and proceeds placed into appropriate account by Evidence Technician via department Account Clerk.
- Personal documents, drugs, and unclaimed papers will be disposed of in an incinerator.
- Evidence Technician will attach to evidence form a copy of disposition of case, if one is available. Also, all release orders received will be attached to evidence form.
- When weapons are turned over to crime lab, a list of said guns will remain in evidence file in main evidence room.
- Items of evidence received through mail will be turned over to Evidence Technician. He/she in turn will note receipt, and if need be, do report and custody document on item.
- No department personnel will maintain in their own possession, in any manner, any item which was taken in by them as a course of their employment, which is of evidentiary nature or found property.
- Any firearms released by Evidence Technician will have evidence tags removed. Person picking up weapons will have to pull car into garage area and load them up.
- Evidence Technician releasing evidence will have person receiving evidence present identification and will note said identification number on custody document form at time party signs for item.
- Effective December 25, 1993, the Statutes 66.28(4) and 968.20(3)(b3) were amended to allow individual agencies to maintain firearms under certain guidelines.
  - Weapons and ammunition seized and placed into evidence will be disposed of in one of the following procedures in accordance to state statute 66.28(4) and 968.20(3)(b3):
    - Order of the Court
    - Returned to authorized person(s)
    - Retained by authorized Law Enforcement Agency
    - Property turned over to the Wisconsin Crime Laboratory for proper disposal.

G. Procedure for Outside Persons in the Main Evidence Room.
• Any maintenance personnel, cable workers, or other personnel shall not be in the main evidence room unless accompanied by Evidence Technician.
• If at all possible, when attorneys or others wish to view items held as evidence, the item should be brought up to a room, rather than allowing parties into main evidence room. No parties are to handle evidence unless Evidence Technician has been directed to allow it by the District Attorney or the court. No item will leave with them unless so ordered by court, and order is received in writing.

H. Procedures for Evidence to Court
• To court for trial.
  • Officers needing evidence held in main evidence room for an upcoming trial, will notify Evidence Technician at least one day in advance, if possible.
  • The Evidence Technician will have the officer sign out for evidence on evidence form and indicate that item went to court. The original of the custody document will remain in the main evidence room, and if necessary, a copy will go with officer to court.
• Evidence held by court.
  • Items of evidence taken by department personnel to court may find items entered into evidence by court. These items then become the custody of the court, and will be turned over to Clerk of Court who will maintain item from that point on. The exception to this will be if the court orders the Holmen Police Department to maintain custody of the item. The officer will then return items to Evidence Technician, or if he/she is unavailable, put items into evidence locker and secure locker, leaving written memo for Evidence Technician.
  • Evidence Technician will re-secure item into main evidence room, and note receiving on custody document.

I. Evidence/Property from Outside Jurisdiction.
• Evidence Technician can determine what items, from outside agencies or sources that he/she wants to take responsibility for.
  • Evidence from outside agency will be held if it involves our jurisdiction in any way.
  • This type evidence when available for release should go back to the owner if within our jurisdiction, or be returned to the agency that placed it into our evidence system.
  • Custody documents will accompany any transactions.
• Property turned over.
  • Items such as weapons turned over to the Evidence Technician by Clerk of Courts for transmittal to state crime lab, can be accepted by Evidence Technician. Said items will be accompanied by transmittal form, and receipts obtained from crime lab or other destination sources, will in turn be filed in main evidence room, and copy given to whoever gave item to use for disposition.
  • On occasion, items are brought to the Evidence Technician from outside sources for disposal. An example would be controlled substances which are outdated and may be brought in by a pharmacist to be destroyed. He/she will have documentation from D.E.A. stating he needs a law enforcement witness. Evidence Technician can sign documents and destroy items as long as person bringing item in is a witness. Also copies of all paperwork will remain with the custody document filled out by Evidence Technician. Also the person bringing item in should sign custody document, if possible.
• Search warrants obtained by other agency.
  • Any item seized as a result of a search warrant issued to any outside police agency, will be maintained by the agency issuing warrant.
- The department issuing warrant can remove items to their evidence system.
  - Search warrants obtained by our department personnel.
  - If our department personnel execute a search warrant outside our jurisdiction, we will be responsible for all the documentation including custody document. All items seized as a result will be transported back and placed in our evidence/property system.
  - In the event items seized may be evidence also of a crime in another jurisdiction, our Evidence Technician can transfer said item to needed jurisdiction. Evidence Technician will have custody document reflect where item goes.
  - In the event numerous items seized may be items from another jurisdiction, Evidence Technician may video tape items and forward video tape to other jurisdictions. A log should be maintained with reports of fact video was made, and to what jurisdiction copies of video were sent.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 02/06/2017
1. PURPOSE AND SCOPE
This order establishes procedures for the collection, handling, testing and processing of controlled substances and related items that are taken in as evidence.

2. DEFINITIONS
A. Controlled Substance: a drug, substance, or immediate precursor included in schedule I to V of subchapter II WI Stat 961.01

3. PROCEDURES
A. Collection and Handling of Controlled Substances:
1. When conducting searches of people or property, officers should assume the possibility of locating controlled substances or related items and wear appropriate gloves/personal protective equipment (PPE).
2. When conducting searches specifically for drugs, officers should develop as much intelligence ahead of time and ensure appropriate safety precautions are taken, safety equipment is available and PPE’s are to be used during the search.
   a. If the search is believed to involve opioids or Fentanyl, Narcan will be available, and a second officer will be present. Ensure proper use of required PPE’s.
   b. If there is reason to believe opioids or Fentanyl will be part of a search warrant, the following precautions shall be taken:
      1) There will be an assigned safety person to oversee the search, will have Narcan available, and ensure proper use of required PPE’s.
      2) All staff involved in the search shall use department required PPE’s, which at a minimum will include department provided gloves, safety glasses and respiratory masks.
      3) It is recommended to contact the MEG unit for situations where Fentanyl or meth making material are used, MEG unit has equipment and personal to use in these situations.
      4) All staff involved in the search will use a “buddy system” and search as a two person team.
3. Any needles collected as evidence shall be placed in the appropriate sharps evidence packaging as soon as practical and staff shall not attempt to cap the needle if it is uncapped.
   a. Needles collected, however are not evidence, should be disposed of in the appropriate shapes containers for safe disposal.
   b. This is the link to the Crime Lab Physical Evidence Handbook. This is stays up to date for any questions on packaging drugs and/or materials.
B. Controlled Substance Testing:
   1. All field tests will be conducted at the police department, in the Purair ductless fume hood with appropriate PPE’s that are provided in the processing area.
   2. Staff conducting tests will minimize disruption/destruction of the original packaging of the substance being tested.
   3. Staff will not conduct any tests on the following:
      a. Liquids already loaded in a syringe.
      b. Unknown powders, tablets, capsules, rocks, solutions or vaporizers.
      c. Any product believed to be heroin, Fentanyl or Fentanyl derivative.
   4. Officers not testing a potential drug that was seized shall document the following in their report:
      a. What they believe the substance to be based on the totality of their investigation.
      b. That the substance was not tested due to safety reasons.
      c. Charge(s) for the suspect(s) based on the totality of the investigation absent the field test.
   5. Testing maybe completed at a later time at the request of the court or district attorney’s office.
      a. This testing maybe referred to the State Crime Lab.
      b. If conducted by police staff, it will be completed by “buddy system”. One testing officer and officer/admin staff must be present. If no admin staff or officer is available, secure item being tested in locker. The officer can test during shift change or when admin is available. If no officer or admin will be available, email the evtech’s and advised what and where the item to be tested is. The officer will need to make arrangements with evtech’s for testing.
      c. It is the testing officer’s responsibility to have NARCAN present.
   6. All field test kits will be rendered safe consistent with the test kit manufacture’s recommendations and disposed of in the appropriately marked garbage within the processing area.

C. Controlled Substance Packaging:
   1. When handling, processing and packaging any suspected drugs, staff shall wear appropriate PPE’s provided within the drug processing areas.
   2. All suspect drugs will be handled, processed and packaged within the Purair ductless fume hood if the substance to be packaged is not too large for the hood.
   3. Reasonable efforts will be made to keep the suspected substance in the original packaging with which it was seized for evidentiary packaging.
   4. All drugs will be “double sealed” and packaged in accordance with the police department’s evidentiary packaging handbook.
   5. All needles collect as evidence shall be place in the appropriate containers and packaged as directed in the police department’s evidentiary packaging handbook.
   6. Any suspected drug that is packaged and has NOT been tested shall be marked as such on the outer most packages.
   7. Any paraphernalia collected that has residue or traces amounts of suspected drugs should attempted to be packaged in the same manner as drugs if possible.

D. Post Testing/Packaging Clean up:
   1. While still wearing PPE’s, staff will discard any trash materials associated with the processing of drug evidence in the appropriately marked garbage can.
   2. Staff shall wipe down the processing area surfaces, the Purair ductless fume hood area, scale surfaces, etc. with a non-alcohol/non bleach based disinfecting wipes which shall be disposed of in the appropriately marked garbage can.
   3. Once the processing area is cleaned, masks and gloves will be disposed of in the appropriately marked garbage.

E. Accidental Exposures:
1. All officers are responsible to ensure Narcan is available within the evidence processing areas.

2. If staff has an accidental exposure to an unknown drug, Fentanyl or opioid, a supervisor and EMS will immediately be notified. Based on how the exposure occurred, all measures will be taken to prevent further exposure/contamination.

3. All staff responding to an accidental exposure shall wear PPE’s.

4. Each officer will ensure their assigned squad(s) are stocked with department issued PPE’s.

5. Any officer that experiences direct skin contact of an unknown substance or opioid shall immediately wash the exposed skin with cool water and soap. NOTE: Do NOT use hand sanitizer for cleaning skin, it may enhance the absorption of substance into the body.

6. In the event of an accidental spill/air borne exposure of an unknown powder or opioid substance, that evidence area where it occurred, will immediately vacated and shut down. The Holmen Fire Department will be contacted for decontamination protocol.

7. In the event an accidental exposure leads to the use of Narcan on staff, the following shall be done:
   a. Supervisor and EMS will immediately be notified.
   b. The employee will go to the hospital for evaluation and monitoring.
   c. Injury reports will be completed.
   d. Police administration will be notified.

Fentanyl Safety:

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Purair/Air Science Operations Manual

P:\HolmenPD\Officers\Operations Manual - PURAIR BASIC V3.2014.pdf

Chief of Police
Shane Collins
PURPOSE
The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving law enforcement officers and for implementing prevention strategies. This policy will provide law enforcement executives and department employee’s guidance in reporting and responding to, and investigating domestic violence incidents involving agency employees and law enforcement officers, thereby discouraging and reducing acts of domestic violence by employees of law enforcement agencies.

POLICY
The Holmen Police Department will not tolerate domestic violence by its employees. Understanding that enforcing any actions against fellow officers can be complex and uncomfortable; this policy lays out procedures to help reduce the intimidation felt by responding officers. Responding officers are expected to handle these incidents in accordance with the training guide accompanying this policy and could face disciplinary actions if they do not report, investigate, or follow procedures correctly. Moreover, the Holmen Police Department will not tolerate any retaliation against responding officers or anyone who reports an incident of officer-involved domestic violence.

This policy offers a comprehensive approach towards officer-involved domestic violence. The procedures seek to educate officers at all phases of their career and use early intervention and awareness strategies as well as disciplinary measures, when necessary, to reduce victimization and increase the chances of officer career stability. Furthermore, whenever incidents of domestic violence are alleged to have occurred the department will act quickly to protect the victim, investigate the allegations, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

Finally, federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated as an officer. Once implemented, the policy will apply to past convictions, pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

SCOPE
This policy applies to all agency employees, whether sworn or not.
DEFINITIONS

A. Domestic Abuse: Section 968.075(1)(a) of the Wisconsin Statutes defines domestic abuse as any of the following engaged in by an adult (17 years of age and older), 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:

- Intentional infliction of physical pain, physical injury or illness.
- Intentional impairment of physical condition.
- Violations of Wis. Stats. 940.225(1), (2), or (3) (sexual assault).
- A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subs. (1), (2), or (3).

B. Qualifying Misdemeanor Crime of Domestic Violence: Must include:

- A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon.
- Right to counsel or knowing and intelligent waiver.
- Applies to convictions occurring prior to and after September 30, 1996.
- Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored.

PROCEDURES

A. Procedures for early warning and intervention: The department will implement pre-hire screening and post-conditional employment procedures to screen out candidates with a history of domestic violence. Throughout an officer’s career, the department, supervisors, and officers will attempt to identify warning signs of domestic violence and intervene prior to an incident happening.

B. Procedures for prevention through education and training: The department will collaborate with advocacy groups on ways to educate officers and their families and conduct periodic training on domestic violence issues throughout officers’ careers. The advocacy groups will help evaluate the domestic violence training program and collaborate with the department to improve the program and prevent domestic violence.

C. Incident response procedures: Critical elements in responding to an officer-involved domestic violence incident include specific procedures for a department response, communications response, patrol response, on-scene supervisor response, and outside agency investigating the incident. The department will follow specific procedures to respond to officer-involved incidents, ensure victim safety, for seizing and removing weapons from the officer involved, and for conducting a department follow-up.

D. Procedures for post-incident administrative and criminal decisions: After an officer-involved domestic violence incident, the department will conduct two separate investigations. The administrative investigation will determine if the officer violated any departmental policies and procedures and the criminal investigation will determine if the officer violated any laws. If the officer is convicted of a criminal violation, he/she may be terminated from the department.

E. Victim safety and protection procedures: The department and community resources will work to ensure victim safety and confidentiality. A lethality assessment/safety plan will be created and any perception of victim or witness intimidation/coercion will be investigated.

F. Collaboration with victim advocacy agencies: The department will continually foster relationships with local advocacy groups and include those advocacy groups in planning and offering training and in responding to domestic violence incidents.
IMPLEMENTATION PROCEDURES

Once implemented, the policy will apply to pending or existing domestic violence cases/crimes, and future police officer domestic violence crimes.

Chief of Police
Shane Collins
PURPOSE AND POLICY
This order establishes procedures to eliminate/minimize exposure to blood or certain other body fluids, outline a course of action if a member is exposed.

DEFINITIONS
A. Blood: human blood components.
B. Bloodborne pathogens: micro-organisms present in human blood which can cause human disease including but not limited to hepatitis (HBV) and human immunodeficiency virus (HIV).
C. Significant exposure: when exposed to body fluids under universal precautions and such fluids enter a cut/open wound or break in the skin where there is significant breakdown in epidermal barrier, enter the airway/mucous membrane.
D. Other Potentially Infectious Material (PIMs): body fluids: cerebrospinal/synovial/pleural/pericardial/peritoneal/amniotic fluid, semen, vomit, urine, vaginal excretions, saliva in dental procedures/bodily fluid contaminated with blood; any unfixed tissue; HIV/HBV containing cell/tissue cultures, and culture medium/other solutions and blood, organs/other tissues from experimental animals infected with HIV/HBV.

EXPOSURE DETERMINATION.
A. Made without regard to protective equipment use; sworn members may expect to incur exposures.

UNIVERSAL PRECAUTIONS.
A. Medical history/exams can't identify all persons infected with bloodborne pathogens; all persons are assumed to be infected; treat all body fluids as hazardous.

COMPLIANCE METHODS.
A. Universal Precautions: observed to prevent contact with blood/PIMs, consider infectious.
B. Hand Washing: hands/skin surfaces are to be washed with germicide soap immediately/thoroughly if contaminated with blood or PIMs. Hands should be washed after glove removal. If at the scene, wash with warm water/soap, rewash with germicide at the station. Officers will ensure that everyone washes potentially contaminated areas immediately, ensure that if exposure is to skin mucous membranes, that those areas are washed/flushed with water as soon as possible.
C. Needles: contaminated sharps are not bent, recapped, removed or purposely broken, except if OIC deems removal is in the public interest or its evidence and ambulance personnel are not available to remove the items; members may use the one hand method or recap using such method, double bagged marked biohazard and placed in plastic biohazard containers located in the squads for disposal/evidence.
D. Human Bites: medical attention started ASAP; bites breaking the skin are treated as a significant exposure.
E. Workplace Restrictions: in areas where there is a likelihood of exposure to blood/PIMs, employees are NOT to eat, drink, apply cosmetics/lip balm, smoke or handle contact lenses. Food/drink are not kept where blood/PIMs are present; no blood/PIMs are placed in/near food areas (including NOT washing hands in such areas). Minimize splashing, etc.

F. Personal Protective Equipment (PPE): The Department provides protective equipment (latex gloves) at NO cost to members.

G. Use of PPEs: latex gloves are used on calls involving bodily fluids, where warranted personnel may double glove. If CPR is given, bag mask/pocket masks are used. After mask/glove use, place in biohazard bags and disposed of; contaminated clothes are placed in a biohazard bag and taken to approved cleaners. All officers shall wear appropriate PPEs. If the member perceives that PPE use may impede care or pose an increased hazard to themselves, s/he may decline supplies however, such incidents are reviewed to determine compliance and if changes can be made to prevent future occurrences.

H. Cleaning/Disposal: WEAR LATEX GLOVES DURING THESE PROCEDURES PPEs are cleaned at NO cost to members or are disposed of; clothes penetrated by blood are removed ASAP and placed in designated containers for documentation/disposal. Solid objects: wash with bleach solution or other approved cleaning solution, rinse and air dry.
   1. Towels/blankets/uniforms: place in laundry bags supplied by cleaners and/or into biohazard bags and drop off at approved cleaners, mark personal items.
   2. Gloves: disposable gloves are disposed of; gloves for re-use are only decontaminated if they're in good shape.
   3. General Decontamination: OIC ensures that equipment contaminated with blood/PIMs is examined/decontaminated unless decontamination is not feasible. Contaminated PPEs are placed in biohazard bags/decontaminated ASAP. Wash in UKG II/rinse/soak in 1/4 cup bleach to a gallon of water for 10mins/rinse/air dry.
   4. Housekeeping: wash area is the bathroom near Property. The area is cleaned with UKG II and decontaminated after any spill of blood/PIMs.

I. Disposal of Regulated Waste.
   1. Needles/sharps: discard ASAP in disposable/puncture resistant/leak proof/labeled/color coded containers located where sharps are used; maintained upright, replaced so as not to overfill, and sealed before removal. Place in a second container if leakage is possible; such containers are closed/labeled. Reusable containers will NOT be used in a manner, which may risk injury.
   2. Other Waste: placed as above, labeled/color coded and closed prior to removal.

J. HBV Vaccine: Sworn members may receive such vaccine at no cost.

IDENTIFICATION AND TRAINING.
A. Labels/signs: biohazard labels are affixed to containers of regulated waste to store blood/PIMs. The biohazard symbol is used; red containers may be substituted for labels.
B. Training: provided at initial assignment and; tailored to education level of employee covering:
   a. General Order.
   b. Epidemiology/symptoms.
   c. Modes of transmission.
   d. Tasks involving exposure.
   e. Use/limits reduce exposure
   f. Types, use, location, removal/handling/decontamination/selecton/disposal of PPE
   g. Actions to take, who to
   h. HBV Vaccine contact when involved.
   i. Procedures about exposure 10. Signs/labels/coding systems.
   The trainer must be knowledgeable in the topic and changes.

POST EXPOSURE EVALUATION AND FOLLOW UP.
A. Exposures are reported by the employee with a copy to the Chief and Lieutenant; after an exposure, the exposed member receives confidential medical evaluation/follow-up:
1. Documentation of the route of exposure and how occurred. Identification of the source person.
2. Source's blood is tested after consent, if needed, to determine if infected. If consent is not obtained, the hospital will document it. When consent is not required the blood is tested/documented.
3. If known to be infected, testing of such is not needed.
4. Results of testing are given to the employee; s/he is informed of the laws relating to data disclosure.

B. Collection/testing of blood complies with the following:
   1. Exposed member's blood is collected with consent.
   2. Member is offered the option of having their blood collected for testing; sample is preserved for up to 90 days to give the member time to decide on testing.

C. Post exposure follow-up is performed by the hospital where the source was taken.

D. WHAT TO DO in a significant exposure occurrence:
   1. Notify supervisor.
   2. Supervisor directs the exposed member to go to the hospital; fill out significant exposure form/injury form, consult with physician.
   3. The doctor explains options/procedures; it is up to the employee as to what action to take.

E. ALL evaluation, procedures, vaccinations and post exposure prophylaxis are provided at NO cost to members. Treatment records are available to the Department and are kept for 30 years AFTER the member's last duty day.

RECORD KEEPING.
A. Maintenance. Department is responsible for maintaining records; such records are CONFIDENTIAL with:
   1. Name; social security number.
   2. HBV vaccine status.
   3. Exam results; testing and follow-up procedures.
   4. Data given to healthcare e.g.: duty description, route of exposure and the circumstances of the exposure.

B. Training Records. Training is responsible for maintaining:
   1. Training dates, material outlines, names/qualifications of trainers.
   2. Training provided at entry level AND annually:
      a. Guidelines for Prevention of HIV/HBV.
      b. Curriculum Guide.

C. Availability. Member records are available to the member, Assistant Secretary of Labor for the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health upon request.

D. Training is responsible for updating the program as needed.

Chief of Police
Shane Collins
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: MEDICAL CIRCUMSTANCES (EMPLOYEE)  NUMBER: 6.3
ISSUED: 04/05/2016

SCOPE: All Department Personnel  REVIEWED: 11/11/20
DISTRIBUTION: Policy & Procedure Manual
□ RESCINDS
□ AMENDS

REFERENCE:
WILEAG 4TH EDITION STANDARDS: 2.4.5

INDEX AS: Medical Examinations
Initial Hiring Exam
Initial Psychological
Fit For Duty
Employee Assistance
Critical incident / Stress Management

PURPOSE: The purpose of this Policy & Procedure is to assure that officers of the Holmen Police Department are mentally and physically prepared to perform their duties as a law enforcement officer.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. MEDICAL EXAMINATIONS
III. FITNESS FOR DUTY
IV. EMPLOYEE ASSISTANCE

I. POLICY

It is the policy of the Holmen Police Department to provide for the health and welfare of its employees. All medical examinations required by the Department and/or Village of Holmen will be provided at no cost to the employee.
II. MEDICAL EXAMINATIONS

A. Initial hiring physical exam
   1. As a condition of employment all applicants for sworn officer positions will be required to complete a medical employment screening at the Department approved medical facility as required by the WI Law Enforcement Standards Board.

B. Initial hiring psychological exam
   1. As a condition of employment all applicants for sworn officer positions will be required to complete a pre-employment psychological exam by a Department approved provider as required by the WI Law Enforcement Standards Board. Applicants who have completed such an exam by a current or former law enforcement agency may be exempt from this requirement if approved by the police chief.

C. Vaccinations: The Village of Holmen shall ensure that all police department employees, full or part-time, are current with their vaccinations for Hepatitis B, according to Federal and Wisconsin State Laws. Employees shall also be offered Tetanus and Tuberculosis vaccinations, at the Department’s expense. All vaccinations will be administered at the Department approved provider.

III. FITNESS FOR DUTY

A. Any Department ordered examination should be conducted only to confirm the employee’s continued fitness to perform the tasks of his/her assignment, not to identify employees with disabilities who are otherwise able to perform their assigned duties with or without reasonable accommodation.

B. Where the apparent physical or medical condition of a sworn employee indicates a possible detriment to performance of assigned duties, the police chief may require an examination of the employee by a Department selected medical provider. The results of the required medical examination will be entered into medical portion of the employee’s personnel records and may constitute grounds for further personnel action.

C. Light Duty
   1. Light duty is temporary limited work of an occasional nature
   2. Department personnel determined not to be able to perform their regular duties may be assigned to temporary light duty status.
   3. Employees should not expect light duty assignments to be available at all times. Employees who are not assigned to light duty may be entitled to leave under the Family and Medical Leave Act.
   4. Long term illness and/or disability conditions will be addressed by the Police Chief / Lieutenant, and Village administrator. Please refer Village of Holmen Personnel Manual section 320.
IV. EMPLOYEE ASSISTANCE

A. Critical Incidents

1. Critical Incidents are generally defined as any event with significant emotional power, strong enough to produce unusual or distressing reactions in emergency service professionals. A critical incident is so unusual that it overwhelms the normal coping abilities of emergency personnel.

2. Typical critical incidents include the following:
   a. Shootings
   b. Hostage Situations
   c. Severe Physical Assaults
   d. Bombings
   e. Severe Auto Accidents
   f. Natural Disasters
   g. Suicides
   h. Traumatic Injuries
   i. Multiple Fatality Incidents
   j. Any Incident Involving Death of a Child
   k. Sudden and/or Violent Death of Co-worker or Family Member

3. Critical-Incident Stress: is defined as an acute or delayed stress reaction resulting from exposure to a critical incident. These stressful reactions can include physical, emotional, cognitive, and behavioral symptoms. Critical incident stress is a normal human reaction to an abnormal event.

B. Procedure

1. The Department recognizes that stress is an expected part of police work and normally is managed effectively by law enforcement personnel on a day-to-day basis. However, stress from critical incidents can produce reactions that may interfere with or overwhelm an employee's ability to function or cope, either during the emergency or later. Preventive stress education and direct support intervention, such as debriefings and individual counseling, are instrumental in helping personnel deal effectively with critical incidents and the related stress. It is the policy of the Department to recognize these incidents can occur and to offer assistance to employees to help them deal with the issues.

2. If an employee encounters a critical incident, defined above, the Department will initiate a critical incident stress response through its designated provider.

C. The Mississippi River Valley Critical Incident Stress Management (CISM) team is available 24 hours a day to provide assistance to any emergency service agency. The CISM team consists of mental health professionals,
peer support personnel and referral connections (i.e. Employee Assistance Program, etc.). Team members are trained and cover a wide array of emergency services. The functions are confidential and Gundersen Lutheran Medical Center (GLMC) backs the group. The team can provide:

1. Stress management training/education
2. On-scene peer support
3. Defusing’s
4. Debriefings
5. Follow-up calls and references

D. Timely access to the team is crucial to meaningful intervention for the affected personnel.

6. Any member of the department recognizing that one or more employees are/were involved in a potential critical incident shall immediately inform the on-duty commanding officer.

7. If there is no commanding officer available, the officer can contact the Emergency Dispatch Center (EDC), who will in turn contact the MRVC CISM team for them. The officer can also contact the CISM team directly through the social worker on duty at the Emergency Department, as well.

8. The commanding officer will contact the CISM team through the social worker on duty in the Emergency Department.

9. If contact is not immediately made, the reporting officer will leave his/her name and information on how to re-contact them when the CISM team member gets to a phone.

10. The CISM team member will gather basic information and arrange for proper intervention, if necessary. The reporting officer will assist the CISM team member in setting up a location, time, etc.

a. All involved employees will be required to attend any debriefing, if held. Involved means any employee on scene or assigned to assist in anyway, even if his/her role was minimal. This could include non-sworn employees.

b. Overtime pay will be authorized for employees who participate in the debriefing process off-duty.

c. Exceptions can be made by the supervisor setting up the debriefing (for example, if an employee is scheduled for vacation). If an employee is excused, the supervisor will make sure the employee receives debriefing upon return to work.
E. Village of Holmen Employee Assistance Program (EAP)

1. An employee assistance program is intended to assist employees who are suffering from persistent problems that may tend to jeopardize the employee’s psychological and/or physical well-being. The goal of this type of program is to help individuals who have developed problems by providing services for consultation, treatment and rehabilitation in order to prevent their condition from progressing to a degree that it will prevent the employee from functioning effectively in the workplace.

2. The Village of Holmen provides all personnel with access to employee assistance services to help them preempt, mitigate, or resolve personal difficulties. The procedures for this program are contained in the Village Personnel Manual.

F. Private counseling

REALiving (EAP) is a private organization that works with police, fire or other emergency management agencies to assist with on duty traumatic incidents or off duty problems, (family, drugs, alcohol). The Village of Holmen Police Department will assist officers with the cost. www.REALiving.com 24/7 EAP call center 877-256-9302

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 04/05/2016
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: NOTIFICATION OF NEXT OF KIN
NUMBER: 6.4

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL
REVIEWED: 06/22/20

PURPOSE
To establish department procedure in making notification in the event of death or serious injury, other than traffic deaths.

METHOD
A. An officer should notify the on-call Police Chaplain to make death notifications and have chaplain assist officer in notification. If one is not available, then the following apply.
B. Every effort should be made to locate and notify the nearest relative as soon as possible.
C. Extreme tact should be exercised by the officer when making notification.
D. If relatives live within the city, notification will be made in person by a member of the department.
E. Relatives living outside the city limits will be notified by the law enforcement agency in that jurisdiction.
F. Telephone notification will be utilized ONLY WHEN all other methods are not feasible and ONLY WHEN approved by the supervisor.
G. If religious preference is identified, notification of clergy is recommended.
H. Cooperation of press and other news media will be requested with reference to withholding identity of subject.
I. A report will be completed containing name, address, relationship, date, time, notifying officer and any other pertinent information. Unless requested by supervisor, investigator, or other department, entering above information into the CAD will be acceptable in place of written report.

Chief of Police
Shane Collins
PURPOSE
The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of the Holmen Police Department.

POLICY
The policy of the Holmen Police Department is to provide guidelines to police employees to inform them of the types of secondary employment which are appropriate and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the police department and for the protection of the community.

DEFINITIONS
A. Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

B. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

C. Regular Off-Duty Employment: Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty employee.

I. PROCEDURES
There are two types of off-duty employment in which an employee may engage:

A. Regular Off-Duty Employment: Employees may engage in off-duty employment that meets the following criteria:
   1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
   2. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for their secondary employer. Some examples of employment representing a conflict of interest are:
      a. As a process server, repossess or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
b. Personnel investigations for the private sector or any employment which might require the police officer to have access to police information, files, records or services as a condition of employment.

c. In police uniform in the performance of tasks other than that of a police nature.

d. Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding.

e. For a business or labor group that is on strike.

f. In occupations that are regulated by or that must be licensed through the police department or its civilian board.

3. Employment that does not constitute a threat to the status or dignity of police as a profession. Examples of employment presenting a threat to the status or dignity of the police profession are:

a. Establishments which sell pornographic books, magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.

b. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.

c. Any gambling establishment not exempted by law.

B. Extra-Duty Employment: Police officers may engage in extra-duty employment as follows:

1. Where a government, profit-making or not-for-profit entity has a contract agreement with the police department for police officers in uniform who are able to exercise their police duties.

2. Types of extra-duty services which may be considered for contracting are:

   a. Traffic control and pedestrian safety.

   b. Crowd control.

   c. Security and protection of life and property.

   d. Routine law enforcement for public authorities.

C. Limitations of regular off-duty employment and extra-duty employment are as follows:

1. Those officers who have not completed their probationary period, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury, shall not be eligible to engage in regular or extra-duty employment beyond that which was performed prior to the commencement of such leave.

2. Prior to obtaining off-duty employment, an employee shall comply with departmental procedures for granting approval of such employment or registration for extra-duty employment.

3. A police officer may work a maximum of 24 hours of off-duty-regular or extra-duty employment; or a total of 64 hours in combination with regular duty in each calendar week. Officers may not work an extra-duty or off-duty job on all days off of three-day breaks without permission from the Chief.

4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

5. A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.

6. Permission for a police employee to engage in outside employment may be revoked where it is determined that such outside employment is not in the best interests of the department.

D. Procedures for Approval of Off-Duty Employment.

1. Off-duty/secondary employment must be approved by the Chief of Police prior to a department employee starting such employment.
a. Employee must complete a written memo or email the Chief. This communication will include, at a minimum:
   - Date of request
   - Location of employment or event
   - Telephone number of employer or business
   - Name of person in charge
   - Dates and times of employment
   - Signature of employee

2. Form to be reviewed by the Chief of Police for approval.

3. If request is denied, the employee may appeal.

E. Procedure for Extra-Duty (Law Enforcement Related) Employment.
   1. Generally, requests for extra-duty employment (employment conditioned on the actual or potential use of law enforcement powers) will come to the Chief of Police from businesses and other organizations. The following procedure will apply for selection of officers for extra-duty employment.
      a. A notice will be posted on the patrol bulletin board announcing the employment request. Employees interested may sign up for the detail as time allows.
      b. Chief or Lieutenant will make a selection based on seniority and availability. Administration will attempt to rotate selections which will provide all officers an opportunity to be selected.
      c. Officers selected will be advised about dress (uniform or plain clothes), contact person and where they should report.
      d. After completion of the assignment, officers will document time spent on extra-duty employment on their time with the reason for time.
      e. The Village of Holmen will submit a bill to the employing organization for reimbursement of costs. The rate will be figured at straight time of an average hourly rate and include all benefits (FICA, retirement, health and dental, workman's compensation, life insurance).

Chief of Police
Shane Collins
PURPOSE
The purpose of this document is to establish a policy to regulate the uniform, appearance, and equipment of personnel of the Holmen Police Department.

POLICY
It is the policy of the Holmen Police Department that officers maintain a high standard of personal appearance while performing their duties. Uniformed personnel will wear only those uniforms, accessories and equipment as authorized in this policy and in the manner described. Non-uniformed personnel will select and wear clothing as directed in this policy. The style and specifications of the uniform, accessories and equipment will be designated by the Chief of Police.

DISCUSSION
The importance of presenting a professional appearance to the public by members of this department cannot be overemphasized. The citizen’s perception of this department’s standards of appearance and grooming materially impacts their impression of the Holmen Police Department’s ability to accomplish its mission and goals. All department personnel should strive to present a professional appearance reflecting the highest standards.

PROCEDURES
1. General Appearance of the Uniform Clothing
   a. Officers shall wear clean and neat uniforms or civilian clothing for non-uniformed personnel.
   b. Leather gear will be kept black and nylon gear kept from damage.
   c. Firearms, handcuffs and metal attachments on the leather gear will be kept clean, free from rust and in serviceable condition.
   d. If a uniform or civilian clothing becomes soiled or disarranged while on duty, officers will be allowed to put their clothing or equipment in order as circumstances permit.

2. Uniform Requirements
   a. When the uniform is worn, it must be worn completely. The mixing of civilian clothes and uniform clothes is prohibited, unless approved by the Chief of Police.
   b. Badges, insignia or decorations, unless authorized by the Chief of Police, will not be worn on any part of the uniform.
   c. Uniforms will not be worn off duty except:
      i. When traveling to and from work.
      ii. When performing and approved police type function for a non-department organization.
      iii. When otherwise authorized by the Chief of Police.
d. The wearing of the uniform hat is optional except for formal police department formations or when directed by a supervisor
   i. A baseball cap may be worn for on duty but cap shall be clean and not faded. Also this cap should have either HPD or Police on the front panel, unless approved by Chief of Police.
e. Uniformed officers, when on duty, will have in their possession the following items:
   i. Duty firearm with three magazines.
   ii. Portable radio.
   iii. Handcuffs and key, OC spray, expandable baton, flashlight, protective rubber gloves, and taser (when available).
   iv. Administrative materials necessary to perform assigned duties.
f. The Chief of Police will determine the appropriate uniform or dress for uniformed and non-uniformed personnel. The Chief of Police may modify the uniform of the day to address exceptional weather or operational conditions. In absence of the Chief, the senior supervisor on duty may do the same.
g. For special events or under unusual circumstances, the supervisor of the event or incident may designate a specific uniform for personnel assigned to the event or incident.
h. Non-uniformed officers will wear a conservative style of clothing.
i. The Chief of Police may authorize officers to wear alternate clothing appropriate to their current assignments: e.g. Police School Liaison, undercover or plain clothes assignments to fit their investigative environments, etc.

3. Authorized Uniforms, Accessories and Equipment
   a. The Chief of Police will authorize and approve the uniform worn by uniformed personnel while on duty.
   b. All officers shall wear their uniforms in the prescribed manner when on duty or otherwise representing this department.

4. Wearing of Uniforms and Accessories
   a. Uniform Shirts: All shirts buttons will be buttoned except the top button on the short sleeve shirt or the top button on the long sleeve shirt. Cuffs on the long sleeve shirt will not be rolled or turned under. Short sleeve shirts will be worn without a tie. Supervisory personnel may wear a white shirt of the same style in lieu of the black patrol shirt. If the long sleeve white shirt is worn by a supervisor, a necktie shall be worn as the turtleneck sweater is not an option with the white shirt. The appropriate rank insignia shall be worn.
   b. Trousers: Uniform trousers will not be bloused in the boot or high topped shoes.
   c. Headgear: All hats will be worn with a badge affixed. Baseball caps with a badge image or police markings are also authorized. Winter stocking cap is authorized being blue or black in color.

5. Heavy Sweaters: The style of sweater must be the “military” or “wooly-pully” style. It must be black and be worn with the long sleeve uniform shirt.

6. Turtleneck Sweaters: The turtleneck sweater will be of a lightweight, smooth-knit construction and will be worn with only the neck portion exposed outside of the shirt. The cuffs of the sweater are to remain under the shirt cuff.

7. Gloves: Black or blue gloves may be worn during periods of cold weather or as driving gloves. Also gloves can be worn for searching. White gloves are authorized for dress uniform and special circumstances.

8. Badges: The Holmen Police Department badge will be worn above the left breast pocket on all uniform shirts and outer garments, including raincoats. Uniformed officers will be issued two uniform badges, one hat badge, and one wallet /id badge.

9. Name tags: Name tags will be worn immediately above the right breast pocket of the uniform shirt and outer garment. The years of service is also authorized.
10. Sunglasses: Conservative style sunglasses and safety straps may be worn during daylight hours.

11. Rank Insignia and Collar Brass: On short and long sleeve shirts, supervisor's rank insignia or patrol officer's collar brass will be centered just over the bottom triangle point of the shirt collar.

12. Hash marks representing years of service are authorized. One hash mark for each five years of service. To be worn on left sleeve of long sleeve shirts, only.

13. Seasonal Uniform
   a. Summer Uniform: the summer uniform shall consist of the authorized trousers, footwear, uniform accessories, short sleeve shirt without tie. Should climate conditions dictate, officers may wear a patrol jacket with the short sleeve shirt. The summer uniform is worn from April 1st to September 30th.
   b. Winter Uniform: The winter uniform shall consist of the long sleeve shirt with or without tie, optional turtleneck, or sweater, and winter cap. Officers may wear any of the authorized jackets. The winter uniform is worn from September 1st to April 30th.

14. Personal Appearance
   a. Officers shall wear uniforms or civilian attire in accordance with this policy when on duty.
   b. Officers will strive to maintain high standards of personal appearance and hygiene. All clothing and equipment will be clean and in good repair.
   c. The officer's supervisor may challenge the quality, condition of appropriateness of any uniform worn and may direct the officer to bring his uniform into compliance with this policy.

15. Jewelry
   a. Officers may wear items of jewelry on their person provided the items are discreet and do not expose the officer to undue risk or hazard. All officers should refrain from wearing excessive ornamental jewelry.
   b. Officers will not wear any visible necklaces.

16. Hair
   a. Hair must be kept clean and neat. It shall be cut, styled and worn in a conservative manner. Extreme hair styles inappropriate for wear with a police uniform are not permitted. The bulk or length of the hair shall not interfere with the normal wearing of any uniform hat.
   b. The hair of male officers shall not be worn longer than the top of the shirt collar at the back of the neck when the officer is standing in a normal posture.
   c. The hair of female officers shall not be worn longer than four inches below the bottom of the shirt collar.
   d. Wigs or hair pieces are permitted if they conform to the above standards for natural hair.
   e. Sideburns shall be neatly trimmed and rectangular in shape, not extending below the ear lobes.
   f. Mustaches will not extend above, beyond or below the normal hairline of the officer's upper lip and will be maintained in a neat and clean manner.
   g. Facial hair if worn, is not to exceed 1 inch in length, and must be maintained in a neat and clean manner.

17. Body Armor
   a. See Section 6.7

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: BODY ARMOR  
NUMBER: 6.7  

SCOPE: ALL DEPARTMENT PERSONNEL  
ISSUED: 03/01/2012  

DISTRIBUTION: POLICY & PROCEDURE MANUAL  
REVIEWED: 06/22/20  

PURPOSE
In law enforcement officers are many times introduced to dangerous situations in which weapons are a factor. To address these types of situation, the Village of Holmen shall supply each officer a vest as approved by the administration of the police department.

METHOD
A. Wearing of body armor shall be mandatory as follows:

1. Employees assigned to Patrol are required to wear their personal body armor whenever on duty.
2. For all other personnel, it is strongly encouraged to wear personal body armor whenever on duty.
3. Any pre-planned operation at a location where department personnel have reason to believe individual(s) may use firearms to resist.
4. Serving a search warrant at a location where department personnel have reason to believe a felony suspect(s) may be present.
5. Serving a felony arrest warrant.
6. When at the range for departmental shoots.
7. As ordered by their supervisor(s).

B. The following are pre-approved exemptions:

1. When attending a funeral or other formal event.
2. When performing administrative duties
3. For medical reasons with a physician's justification
4. A supervisor may grant a temporary exemption if the duty involved is of a nature that the wearing of body armor is impractical considering the assignment.

Disclaimer
This policy is for internal use only and is not intended to increase Officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety, or care with respect to third party claims of any kind or nature. Violations of this policy may form the basis for departmental administrative action, but such action is not intended for use in the courts of civil or criminal jurisdiction.

Chief of Police
Shane Collins
PURPOSE

The Law Enforcement Code of Ethics is hereby adopted as a general standard for all members of the Holmen Police Department. The public, as well as the Department, demands that the personal integrity of all law enforcement officers and employees be beyond reproach. The dishonesty of a single member may destroy public confidence and cast suspicion and disrespect upon the entire Department.

Succumbing to even minor temptations can ultimately destroy an individual's effectiveness and contribute to the corruption of others. A law enforcement officer is the most conspicuous representative of government. He/she is the symbol of authority upon which the majority of citizens rely. Where his/her actions are found to be excessive, unwarranted or unjustified, the officer and the Department are criticized far more severely than persons in other walks of life. In the same manner, the officers inaction or failure to act during a given situation can also bring severe criticism.

Conduct on or off duty directly reflects upon the officer and the Department; therefore, a member must at all times conduct him/herself in such manner so as not to bring discredit upon themselves or upon the Department. The stresses of law enforcement require an officer to be mentally and physically responsive at all times. Every officer must be constantly aware that, while technically off duty, he/she may be called upon in emergency situations.

An off-duty officer under the influence of an intoxicant and/or drug (medical) if called into service may represent a danger to him/herself or others. If the officer finds him/herself in this situation, he/she should advise the supervisor so that other arrangements can be made. Prolonged or continued conduct of this nature will not be tolerated. An officer found to be under the influence of an illegal substance will be charged and, if found guilty, will be disciplined.

The practice of courtesy when appearing in or dealing with the public as well as with other Department members encourages understanding and appreciation. Such practice is consistent with the firmness and impartiality that characterizes a professional law enforcement agency.

Law enforcement officers are an integral and indivisible element of the public they serve. The law was created by the people themselves to control the behavior of those who seek to interfere with the society's welfare. A Law enforcement officer's activity, being frequently restrictive of individual rights and freedom, often brings police and citizens into contact under circumstances which have a far reaching impact on the lives of the affected parties, the officers and society in general.

Daily contact with citizens is the level which bears the highest degree of significance for strengthening community relations. Each member must strive to make his/her contact one which inspires respect for the
member and for the Department as a whole. No member can allow personal feelings or prejudices to interfere with their decision making process or their contacts with the public.

Public confidence must be maintained in regards to the Department's ability to investigate and dispose of complaints against its members. The Department has the responsibility to seek out and discipline members whose conduct discredits the member, the Department, or impairs either's effectiveness. In addition, the rights of the member and the public must be preserved and any investigation arising from a complaint must be conducted fairly, impartially, and efficiently with truth as its primary objective.

PROHIBITED CONDUCT

To uphold the responsibilities placed upon the Department and its members by the general public, the following rules of conduct expressed as prohibited acts are hereby adopted and pertain to all Department personnel, they are as follows:

1. Knowingly violate any law or ordinance that restricts the officer’s ability to perform his/her duties or brings discredit upon him/herself or the department because of its nature.
2. Any action or conduct which impedes the Department's efforts to achieve its goals or brings discredit upon the Department or its members. (These rules apply to the officer both on and off duty)
3. Any failure to promote the Department's efforts to implement or maintain its policies or accomplish its goals. (This rule prohibits any omission or failure to act appropriately by any member of the Department, whether on or off duty.)
4. Any conduct or action taken to use the official position for personal gain.
5. Engaging in any immoral conduct that would impair the officer’s ability to perform as a law enforcement officer or cause the officer or the Department to be held in disrepute.
6. Failure to perform any duty either intentionally or through neglect.
7. Disobedience of a lawful order or directive whether written or oral or the failure to follow department policies and procedures.
   a. When an officer is given a lawful order by a supervisor which is in conflict with a previous order, rule, regulation or directive, the officer shall inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the order, the order shall stand. Under these circumstances, the responsibility for the conflict falls upon the supervisor and the officer shall obey the last order given and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
8. Insubordination or disrespect toward a supervisory officer while on or off duty.
9. Showing disrespect toward any officer while on or off duty.
10. Showing disrespect to or the maltreatment of any person while on or off duty.
11. Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
12. The misuse or the intentional improper handling or display of a firearm by any employee.
13. Failure to take necessary police action in an emergency situation by a sworn officer when equipped to do so, whether on or off duty.
14. Being incompetent or inefficient in the performance of one’s duty.
15. Failure to wear the uniform as prescribed when required to do so.
16. Failure to adequately secure or care for Department property.
17. Making a false or intentionally misleading report or statement either written or oral.
18. Drinking alcoholic beverages while on duty or in uniform or transporting alcoholic beverages in a Department vehicle except in the performance of one's duty.
19. Failure to report to a supervisor that any member including one’s self is under investigation by another law enforcement agency.
20. Failure to report promptly to the Department any information concerning any crime or other unlawful act committed within ones jurisdiction (a report in most cases will suffice).
21. Sleeping on duty during the officer’s regular scheduled tour of duty. (He/she may be authorized to do so in extended emergency situations)
22. Feigning illness or injury, and reporting off sick, or excessive tardiness or absenteeism.
23. Engaging in other employment while on sick leave.
24. Reporting unfit for duty.
25. Failure to provide the Department with a current address and telephone number.
27. Recommending a specific commercial or professional service without good reason or in a show of favoritism to any citizen while acting in his/her official capacity, or recommending employment of a specific attorney or law firm to anyone charged with or under investigation for any criminal activity.
28. Engaging in any public statements, interview, activity, deliberation or discussion pertaining to the Police Department which can reasonably be foreseen to impair the discipline, efficiency, service or confidence in the Department or its members by false statements or the use of abusive or defamatory language.
29. Failure of any member to correctly identify him/herself by giving their name, rank and badge number when requested to do so by the public or other law enforcement agency (except when withholding this information is necessary to protect the officer or releasing this information would prevent the officer from performing his/her duties).
30. Failure to inventory or process property or evidence in conformance with Department policy or directives.
31. Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as authorized.
32. Soliciting or accepting any gratuity, gift, present, rewards or other things of value for any service performed or not performed by the officer in his/her official capacity with the exception of those awards and contributions authorized by the Chief.
33. Failure to testify or give evidence before any "John Doe" hearing, medical examiner's inquest, court of law, or before any authorized governmental investigative body when properly called upon to do so, and when there is no properly asserted constitutional privilege or when immunity has been granted.
34. Failure to cooperate when called upon to give evidence or statements by any supervisory officer of the Department when the evidence or statements sought relate specifically, directly and narrowly to the performance of their official duties. (If constitutional privilege is asserted, the member will be required to cooperate if advised that by law any evidence or statements given cannot be used in a subsequent criminal prosecution.)
35. Participating in, encouraging the participation of others in, or otherwise supporting, any strike, demonstration, work slowdown, or other such action against the Department.

**DISCIPLINE**

1. The Department may take any of the following forms of disciplinary action against a member found guilty as a result of any investigation concerning the violation of any law or the violation of any policy, procedure, rule, regulation, directive or order:

   - Reprimand - verbal or written
   - Suspension
   - Demotion
   - Discharge

2. Though the concept of progressive discipline will normally be applied, in cases where the nature or severity of an offense(s) indicates it, a more severe level of discipline can be applied.

Chief of Police
Shane Collins
The purpose of this Policy & Procedure is to establish a corrective action system that includes procedures and criteria for the use of counseling or other disciplinary actions in the interest of maintaining department order and citizen trust.

This Order consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURE

I. POLICY

Employees are subject to discipline for violations of law or agency policy, rules or regulations. It is the policy of the Holmen Police Department to strive to stay abreast of evolving case law and disciplinary systems and to incorporate them into its policies, procedures and practices. All disciplinary actions taken under this policy are subject to, and shall be consistent with, applicable state law, local ordinances, administrative rulings and Village Personnel Policies Manual. The Department recognizes employee rights as afforded by the constitution, applicable state law, and pertinent case law. The Chief will solicit case law and related statutory revisions on an annual basis in an effort to update this directive.

II. DEFINITIONS

**LAW ENFORCEMENT OFFICER:** Has the meaning given in WI §165.85(2)(c).
**CRIMINAL INVESTIGATION:** The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

**INTERNAL INVESTIGATION:** The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing administrative charges.

III. PROCEDURE

A. Grievance Procedures.
   1. Department members with complaints regarding fellow officers/employees or Department policies, should follow the grievance procedures established in the Village of Holmen Employee Personnel Policies Manual.
   2. These procedures have been established to assure each individual an opportunity for an impartial hearing. A “grievance” is defined in the current applicable Village of Holmen Employee Personnel Policies Manual.

B. Disciplinary Procedures.
   1. The following disciplinary procedures will be followed in disciplinary matters of the Holmen Police Department whenever rules and policies of the Department are broken or the employee performs unsatisfactorily, unless these procedures are superseded by more specific procedures contained in a current applicable Village of Holmen Employee Personnel Policies Manual.
   2. (4.2.1.3) Sworn employees shall be afforded the rights and privileges of WI §62.13, Police and Fire Departments. Recognition of employment rights and procedural safeguards as outlined §164 Law enforcement Officers ‘Bill of Rights’.
   3. For purposes of this Section, the term “officer” shall mean any sworn employee of the Department.
   4. Employees who withhold information from, or fail to cooperate with, internal investigations or who fail to report misconduct of employees are subject to disciplinary action in addition to any other disciplinary action that may result from the investigation.

C. (4.2.1.2) Authority to use Corrective Action
   - Counseling and/or Verbal reprimand – Lieutenant or Police Chief
   - Written reprimand – Lieutenant or Police Chief
   - Counseling and/or training – Lieutenant or Police Chief
   - Relieved from duty with pay pending further action – Lieutenant or Police Chief
   - Suspension with pay – The police chief or Village Administrator
   - Suspension without pay – Village Board/police commission (with recommendation of the Chief)
   - Demotion – Village Board/police commission (with recommendation of the Chief)
   - Discharge - Village Board/Police commission (with recommendation of the Chief)
   1. Prior to taking disciplinary action, the official(s) reviewing the matter should give full consideration to the following (WI §62.13(5)(em)):
      a. Whether the subordinate could reasonably be expected to have had
knowledge of the probable consequences of the alleged conduct.
b. Whether the rule or order that the subordinate allegedly violated is reasonable.
c. Whether the police chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
d. Whether the effort described under c. was fair and objective.
e. Whether the Police Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
f. Whether the Police Chief is applying the rule or order fairly and without discrimination against the subordinate.
g. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Department.

NOTE – Probationary employees can be discharged without recourse to these disciplinary procedures.

2. (4.2.1.1) If, in the opinion of the police chief and/or the designated reviewing authority, immediate discharge, suspension or written warning is not warranted by the seriousness of the violation, the following disciplinary measures shall be followed:
a. A minor infraction shall be handled by the police chief or Lieutenant with counseling and/or training.
b. The police chief or Lieutenant, in all cases, shall document all employee counseling sessions.
c. Counseling sessions will be documented by written memorandum to the employee, with a copy to the employee's personnel file.

D. Notice to Employees Subject to Punitive Action
1. Any employee who is subject to punitive action shall receive the following information in a timely manner:
a. Reason, scope, and effective date for the punitive action.
b. The employee’s appeal and hearing rights.

E. Types of Discipline. (4.2.1.2)
1. Counseling and/or Verbal Reprimand/Warning
a. The police chief or Lieutenant may exercise the prerogative of immediate correction or admonishment of a subordinate whenever the nature or circumstances of an incident may not warrant a written reprimand or other formal disciplinary action. If the application of immediate correction or admonishment is not effective, a written reprimand can be administered.
b. If the violation was investigated and after discussing the matter with the officer, the officer may be given a verbal warning from the police chief or
Lieutenant. The police chief or Lieutenant, for purposes of letting the officer know that it is an official warning, shall state, “This is a verbal warning.” A notation of this shall be placed in the officer’s personnel file.

2. Written Reprimand/Warning
   a. Written reprimands are used for minor infractions and typically do not require an internal investigative complaint nor a formal investigation.
   b. Before a written reprimand is imposed, a review will be made of previous reprimand notifications, if any, in the employee’s personnel file. If this review indicates repeated infractions of a similar nature for which a written reprimand was imposed more formal discipline may be initiated.
   c. When a written reprimand has been imposed the reprimand will be prepared and will request the employee’s signature on the form to attest to the employee’s understanding that he/she has been officially reprimanded. Should the employee refuse to sign the reprimand, the reprimand will be marked “REFUSED”.
   d. After the forms are signed or marked “REFUSED” as appropriate, the police chief or Lieutenant will sign the reprimand. Written reprimands shall be kept in each employee’s personnel file and a copy may be kept by the police chief for use in the employee’s annual performance evaluation.
   e. In the case of subordinate officers of the Department, the police chief’s decision may be appealed pursuant to Wisconsin Statutes or current Village Employee Personnel Policy Manual.

3. Suspension with Pay
   a. An employee receiving a suspension with pay shall be required to report to the police chief when called.

4. Suspension without Pay
   • As prescribed, officers of the Department found to be in violation may be suspended without compensation.
     a. Suspension without pay is a period of time during which an employee’s salary is withheld for disciplinary reasons.
     b. The Lieutenant may recommend a suspension, but the police chief reserves the right to set the severity.
     c. Suspension without pay is not to be confused with an employee being relieved of duty with pay pending an investigation or bringing of formal charges.
     d. Within the time period required by State Statute or pertinent Village Employee Personnel Policy Manual, the officer in question shall receive written notice from the police chief or Village Board that the officer’s alleged violation will be reviewed, and a hearing held and that the officer is encouraged to appear at the hearing. The officer will be notified that suspension without pay is a possible outcome and/or additional
disciplinary measures may be imposed. The Village Board may order a suspension without pay after the investigation and hearing. Policies and procedures set by Holmen Village Board shall be followed / enforced when in conflict with this Section.

5. Demotion/Dismissal
   a. All formal charges shall be filed with the Holmen Village Board.
   b. Demotion is a transfer of an employee from a position in a higher class or rank to a position in a lower class or rank for which the maximum rate of pay and/or level of responsibility is lower.
   c. Dismissal is an involuntary separation of an employee from the Department. As prescribed, officers of the Department may be discharged pursuant to this Policy and Wisconsin Statutes. The notice and hearing procedures used when considering suspensions shall be used when discharge of a Department member is being considered.
      1) State Law. The requirements of the Wisconsin statutes shall supersede the provisions of this Section when in conflict.
      2) Village Board. As prescribed herein, adopted Holmen Village Board policies and procedures shall control in disciplinary proceedings, if/when in conflict with this Section.

F. Administrative Leave or Change of Duties.
   1. An employee who is the subject of an allegation may be immediately placed on administrative leave by the police chief or Lieutenant when such leave will assist in protecting the best interest of the community, the Department or the employee.
   2. Administrative leave for employees may be imposed:
      a. When there is reasonable suspicion to believe that an employee is suspected to be or has been in violation of any alcohol and/or drug use laws; and/or rules or regulations of the Department while on duty.
      b. When there is reasonable suspicion to believe that an employee is in such a mental or physical state that he/she presents a danger or potential danger to himself/herself or others.
      c. When there is reasonable suspicion to believe that the employee is charged with a criminal act within or outside the Department’s jurisdiction.
      d. When there is reasonable suspicion to believe that the employee’s presence on duty could jeopardize impartiality of an internal investigation, or could jeopardize an investigation conducted by another jurisdiction, or at the request of the police chief.
      e. When an independent preliminary investigation by the Department, of alleged criminal activity of the employee results in the finding that the employee engaged in a criminal act. This preliminary investigation may be conducted and concluded immediately upon discovery of the alleged criminal activity and is not subject to the restrictions applicable to formal internal investigations. Suspension under these circumstances may be
instituted only after consideration of an investigation conducted by the Department itself, and not on arrest information or records received from other law enforcement jurisdictions.

f. Other circumstances as deemed appropriate by the police chief.

Note….Reasonable suspicion may be based on information obtained from citizens, department employees or other law enforcement agencies.

3. A temporary change of duties may be assigned an employee as an alternative to administrative leave at the discretion of the police chief, according to the employee’s capabilities.

4. A temporary change of duties may be assigned an employee when the employee’s presence in the original assignment may jeopardize, or appear to jeopardize, the impartiality of any investigation.

5. An immediate change of duties or administrative leave is not an act of discipline or a demotion regardless of the nature of the temporary change of duties.

6. An employee under administrative leave may be required to report to the police station on a daily basis for any change in status.

G. Disciplinary Records

1. All completed disciplinary documents will be maintained in the Department’s internal files, maintained by the police chief in a secured file in his/her office. A copy of the disciplinary action will be included in the employee’s personnel file.

2. All reports of employee conduct and subsequent administrative action will be tracked in accordance with Department Policy 6.9.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/20/2016
PURPOSE: The purpose of this Policy & Procedure is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. All employees must be aware that they may not engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees irrespective of whether the employee is a member of a protected class.

It is a violation of this Policy & Procedure, even if the act is not as severe or pervasive as to alter the condition of the victim’s employment and/or create an abusive work environment. However, the complained of activity must be objectively unreasonable. A single act may suffice. To determine if the activity is unreasonable, the totality of the circumstances surrounding the incident must be assessed.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROHIBITED ACTIVITIES
IV. SUPERVISORY RESPONSIBILITY
V. EMPLOYEE RESPONSIBILITIES
VI. COMPLAINT PROCEDURES
VII. NON-RETIALLY
IX. TRAINING
I. POLICY

A. It is the policy of the Holmen Police Department that all employees have the right to work in an environment free of all forms of harassment and discrimination by other employees, whether sworn civilian or volunteer, or other non-employees who conduct business with this agency. The Department considers harassment and discrimination of others serious employee misconduct.

B. Individuals covered under this policy include Department members defined as employees and applicants for employment with the Department, whether sworn, regular, reserve, or civilian, and all volunteers.

II. DEFINITIONS

DISCRIMINATION: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.

HARASSMENT: Any unwanted, deliberate or repeated unsolicited comments, conduct, gestures, graphic materials, physical contacts or solicitation of favors based upon:
- Race, Color, Creed, Ancestry, National Origin, Age (40 and up), Disability, Sex, Arrest or Conviction Record, Marital Status, Sexual Orientation, Membership in military reserve

Harassment involves a pattern of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment.

PHYSICAL: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or intentionally brushing against the body of another person.

VERBAL HARASSMENT: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwanted sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

NON-VERBAL: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc.; printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures; any material, which inappropriately raises the issues of sex or discrimination; treating an employee differently than other employees when they have refused an offer of sexual relations.
**SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**OTHER FORMS OF HARASSMENT:** Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.

**HARASSMENT ON ANY BASIS:** (race, sex, age, disability etc.) exists whenever: Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee’s work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.

**III. PROHIBITED ACTIVITES**

A. Prohibited activity under this Policy includes but is not limited to the following:

1. No employee shall either explicitly or implicitly ridicules, mock, deride, or belittle any person.
2. Employees shall not make, tell, send, or display offensive or derogatory comments, jokes, pictures, or correspondence to any person, either directly or indirectly.
3. No employee shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor shall any employee allow non-employees who conduct business with this Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is “objectively reasonable.”
4. Sexual harassment as defined in the definitions above.

**IV. SUPERVISORY RESPONSIBILITY**

A. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:

1. Advising employees on the types of behavior prohibited and the Department procedures for reporting and resolving complaints of harassment and/or discrimination;
2. Monitoring the work environment on a daily basis for signs that harassment and/or discrimination may be occurring;
3. Stopping any observed acts that may be considered harassment and/or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
4. A supervisor shall utilize all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
5. No supervisor shall make any employment decision that affects the terms, conditions, or privileges of an individual’s employment based on the basis of the person’s race, sex, religion, national origin, color, sexual orientation, age, or disability.
6. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.

V. EMPLOYEE RESPONSIBILITIES
A. Each employee of this Department is responsible for assisting in the prevention of harassment and/or discrimination by:
   1. Refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination;
   2. Reporting observed acts of harassment and/or discrimination to a supervisor; and
   3. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
B. Failure of an employee to carry out his or her responsibilities as defined in this Policy & Procedure will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

VI. COMPLAINT PROCEDURES
A. Any employee encountering harassment and/or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment and/or discrimination in order to provide the fullest basis for investigation. The employee should be advised that he or she must report such acts.
B. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible to the police chief, so that steps may be taken to protect the employee from further harassment and/or discrimination and so that appropriate investigative and disciplinary measures may be initiated.
1. Where the police chief is involved in the harassment and/or discrimination, the employee may waive filing a complaint with the police chief and may proceed to the Village Administrator or the Village President.

2. The police chief or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of; the person(s) performing or participating in the harassment and/or discrimination; any witnesses to the incident(s) and the date(s) of occurrence(s).

3. The person taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Village Administrator.

C. The police chief shall be responsible for follow-up investigation of any complaint alleging harassment and/or discrimination. (For incidents involving the police chief, these steps will be the responsibility of the Village Administrator)

1. The police chief shall immediately determine if the complaint contains evidence of criminal activity, such as battery, sexual assault, or attempted sexual assault.

2. The police chief shall include a determination as to whether other employees are being harassed or discriminated against by the person and whether other department members participated in or encouraged the harassment or discrimination.

3. The police chief shall inform the employees involved of the outcome of the investigation.

4. A file of harassment and/or discrimination complaints shall be maintained in a secure location.

D. This standard does not preclude any complainant/victim from filing a complaint with an appropriate outside agency.

1. Any employee dissatisfied with the outcome of an investigation conducted pursuant to this Order, or any employee desiring further information on the Wisconsin Harassment Laws may contact:

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION
CIVIL RIGHTS BUREAU

201 E WASHINGTON AVE
ROOM A300
PO BOX 8928
MADISON WI 53708
Telephone Number: (608) 266-6860
TTY Number: (608) 264-8752

OR

819 N 6th ST
ROOM 723
VII. NON-RETALIATION

A. Retaliation against any employee for filing a harassment or discrimination complaint is prohibited by this Department. Retaliation against a representative of the employee filing a complaint or an employee who is assisting, testifying, or participating in the investigation of such a complaint is prohibited by this Department.

B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and/or discrimination complaints.

C. Monitoring to ensure that retaliation does not occur is the responsibility of the police chief.

VIII. TRAINING

A. The Holmen Police Department shall provide periodic and refresher training concerning the nature of harassment and/or discrimination in the workplace and prohibitions on such actions defined in this Policy & Procedure.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 01-23-17
PURPOSE: As required by Wisconsin State Statute 175.22, the Holmen Police Department has a policy which respects the privacy of employees while using the Department locker room.

This Policy consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURES
IV. LOCKERS AND PROPERTY

I. POLICY

It shall be the policy of the Holmen Police Department to ensure the personal privacy of its employees while using the locker room within the Holmen Police Department.

II. DEFINITIONS

_Recording Device:_ means a camera, an audio recorder, a video recorder or any device that may be used to record or transfer images.
III. PROCEDURES

A. The locker room, as described in this standard, includes the attached shower facility and restroom facilities.

B. Interviews of any nature (audio or video) WILL NOT be permitted in the department locker room.

C. Excluding department tours, the media or any other interview source WILL NOT be permitted in the department locker room. Tours will only be permitted, if the locker room is not being utilized.

D. No person may use a cell phone or any other recording device to capture, record, or transfer a representation of a nude or partially nude person in the locker room.

E. Recording devices ARE NOT permitted to be utilized by department personnel under any circumstances in the department locker room, unless approved by the police chief and/or his/her designee.

   1. Special circumstances, as determined by the police chief, will allow the use of recording devices in department locker rooms. Special circumstance authorizations will only be permitted, if the locker room is not being utilized. These include, but are not limited to:
      • Any criminal investigation
      • Establishing a record of damaged village property
      • Repair of departments facility
      • Tours – Police Department design

IV. LOCKERS AND PROPERTY

A. Each sworn officer will be provided a locker.

B. Employees are advised that the retention of any personal items within the lockers and/or locker room is done so at their own risk and the Village of Holmen will not be responsible for any damage or losses.

C. All lockers, locked or unlocked, are subject to entry, search and inspection at the direction of the police chief or his/her designee without notice. Employees have no reasonable expectation of privacy as it relates to the items within the locker.

   1. Any privately owned property contained in a locker, including the contents of any enclosed or sealed items or containers may be opened and examined without further notice or without the employee’s permission.

D. All lockers will be kept clean. No stickers, posters or writing of any kind shall be placed on the outside or inside of the lockers.
This policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/30/2016
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS
NUMBER: 6.12

ISSUED: 10/04/2016
REVIEWED: 06/22/20

DISTRIBUTION: Policy and Procedure Manual

RESCINDS

AMENDS

REFERENCE: WI §62.13(5), §66.0511(3), §164.02-.05, and §946.66; WPD P&P 4.02

WILEAG 4th EDITION STANDARDS: 1.9.1, 1.9.2, 1.9.3, 1.9.4, 1.9.5, 4.2.1.3

INDEX AS: Agency Investigation of Complaints
Responsible Individual or Position
Complainant Notification
Employee Notification
Maintenance of Records
Annual Review

PURPOSE: The purpose of this Policy & Procedure is to promote the integrity of the Holmen Police Department by informing all employees and the public of established procedures for accepting, processing and investigating complaints concerning allegations of employee misconduct, and assure the prompt and thorough investigation of alleged or suspected employee misconduct.

This Order consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURE

I. POLICY

Establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect this agency’s integrity. The Village of Holmen Police Department will accept and investigate fairly and impartially all complaints off employee conduct to determine the validity of the allegation. It is the policy of the Holmen Police Department that all incidents of alleged or suspected violations of State law, local ordinances or Department rules, regulations or orders must be investigated in a timely manner.
II.  DEFINITIONS

**COMPLAINT:** A report that is filed as part of a procedure established under WI §66.0511(3).

**CITIZEN COMPLAINT:** A complaint against an officer or officers of this department from a known source regarding alleged misconduct.

**PROCEDURAL COMPLAINT:** A complaint based on actions that, if performed properly, are acceptable according to legal guidelines and Department policy; e.g., complaints concerning towing vehicles, parking, traffic enforcement, etc.

**MINOR MISCONDUCT COMPLAINT:** A complaint based on allegations of minor misconduct by employees of the Department. Examples of minor misconduct include isolated incidences of mild rudeness or offensive language by an officer, traffic infractions by an officer, minor rules and regulations violations, etc.

**LAW ENFORCEMENT OFFICER:** Has the meaning given in WI §165.85(2)(c).

**CRIMINAL INVESTIGATION:** The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

**INFORMAL INQUIRY:** A meeting between supervisory personnel and an employee, who has become the subject of a procedural or misconduct complaint, for the purpose of mediating the complaint or discussing the facts to determine whether a formal investigation should be initiated.

**INTERNAL AFFAIRS COORDINATOR:** The police chief has the authority and responsibility of coordinating the internal affairs function. If the internal affairs investigation involves the police chief, an outside agency will be contacted to conduct the investigation.

**INTERNAL INVESTIGATION:** The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing administrative charges.

**SERIOUS MISCONDUCT:** Examples of serious misconduct include, but are not limited to, corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, or repeated acts of minor misconduct.
III. PROCEDURE

A. Citizen Complaints.

If a citizen has a concern regarding the Holmen Police Department, its policies/procedures or individual members they are encouraged to file a complaint in a timely fashion with the police chief or his/her designee; the Village Administrator; or a Trustee of the Village Board.

1. Receipt and Processing. (1.9.1.4)
   a. Persons desiring to file a complaint will be encouraged to complete a written complaint on the Citizen Complaint Form.
      1) If an employee of the Department receives a complaint either in person, or by phone, or by mail, the employee should record all information such as name, address and phone number.
      2) The complainant should be told that the complaint should be filed utilizing the Department form and filed with one of the individuals listed in III.A., above or by direct contact with one of those individuals.
      3) The employee will contact the police chief as soon as practicable with the above information.
      4) A known complainant shall be notified of the receipt of their complaint and the impending investigation.
   b. Anonymous written complaints shall be handled with the same degree of accord as those where the identity of the complainant is known: however, the identity of the complainant will be kept confidential by the individual receiving the complaint until such time as revealing the identity becomes necessary. The complainant will be notified at the time of the pending release and given the option to withdraw the complaint.
   c. Complaints received from an unknown source will be handled to the degree possible based on the information provided by the unknown source.
   d. When possible, written, signed complaints should be witnessed by the receiver and one (1) copy given to the complainant.
   e. Complaints against the police chief shall be referred to the Village Administrator directly.

2. Investigation of Complaints. (1.9.1.1)
   a. All citizen complaints shall be forwarded directly or through channels to the police chief, or the Lieutenant or Village Administrator if the police chief is the subject of the complaint.
   b. Citizen complaints will be investigated the same as other internal investigations
   c. Citizens shall receive periodic updates on the progress of investigations.
d. All investigated complaints shall be completed whether or not the citizen complainant follows through with their complaints.

e. Upon conclusion of an investigation, the police chief shall ensure that the complainant and the employee are advised in writing of the final outcome of the internal investigation.

3. Incidents initiated by a civil suit or notice to file civil suit are not subject to this policy statement.

B. Personnel Investigations

1. It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its employees. The Department should endeavor to preserve the rights of the employee as well as those of the public, and any investigation or hearing arising from the complaint should be conducted in an open and fair manner with the truth as its primary objective. The Department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition. Procedures for filing a complaint shall be made available to the public including this policy and procedure.

2. The five (5) primary objectives of a personnel investigation are:
   a. Protection of the public.
   b. Protection of the Department.
   c. Protection of the employee.
   d. Correction of procedural problems.
   e. Removal of unfit personnel.

3. False complaints of police misconduct (1.9.1.4).
   a. Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer is subject to sanctions determined by WI State Statutes. (§66.051(3) and §946.66)

4. Allegations of employee misconduct received from Department personnel are recorded on a Department Memorandum with specific information relative to the alleged employee misconduct.

5. Allegations of employee misconduct received from any source outside the Department are recorded on the Citizen Complaint Statement form with specific information relative to the alleged employee misconduct, or inquiries concerning Holmen Police Department policies, procedures or tactics.

6. The information recorded is that which is necessary to begin an investigation into the events surrounding the allegation.

7. The Citizen Complaint Statement form concerning alleged misconduct is completed whether the allegation is received in person at the Department, by telephone, or at some other location, or by some other
means and forwarded to the police chief.

8. Based upon the allegation received, employee misconduct is investigated by the Department as a “formal investigation”, “informal investigation” or as an “inquiry”.

9. If an employee receives information about a significant allegation of employee misconduct requiring immediate investigation, the police chief should be notified as soon as practicable.

10. Employee cooperation.
   a. All employees are required to cooperate with the investigation of personnel misconduct.
   b. Failure to do so will result in disciplinary action for failure to obey orders.
(1.9.1.3)

11. During the preliminary investigation, the police chief shall determine whether the complaint is based on procedure, minor misconduct, or serious misconduct and whether the complaint would be best resolved through an informal inquiry, internal investigation, or criminal investigation. It may be deemed by the police chief that no investigation is warranted.

C. Formal Investigations.

1. A formal investigation is conducted on serious allegations of misconduct where an investigator is assigned to obtain formal interview statements from the employees involved.

2. A personnel investigation is determined to be formal by the police chief primarily based upon the nature and complexity of the allegation.

3. Examples of personnel investigations that may be determined as formal include, but are not limited to:
   b. Allegations regarding morals.
   c. Allegations of brutality.

D. Informal Investigations.

1. The primary difference between the formal investigation and the informal investigation is the manner in which the investigation is conducted.

2. An informal investigation is conducted on less serious allegations of misconduct where the investigation consists of obtaining memorandums from concerned employees regarding the allegations. Generally formal interviews or statements are not used. Instead, information is obtained via memorandums and existing records.

3. A personnel investigation is determined to be informal by the police chief primarily based upon the nature and complexity of the allegation.

4. Examples of personnel investigations that may be classified as informal
include, but are not limited to:
   b. Alleged failure to take proper police action.
   c. Alleged poor attitude displayed by Department employee(s).

E. Inquiry.
   1. An “inquiry” concerns a citizen contacting the police chief with questions
      about a policy, procedure, or tactic used by the Department, without the filing
      of a written complaint as described above.
   2. When a citizen questions the actions of a Department employee and it is
determined by the police chief that the employee acted within prescribed
Department policy, procedure or tactics, the matter is handled as an “inquiry”.
   3. Any employee other than the police chief who receives an inquiry from a
      citizen regarding Department policy, procedures or tactics should take the
      citizen’s information, note the inquiry and tell them they will be contacted by
      the police chief. Information concerning the inquiry should be forwarded to
      the police chief via electronic mail.
   4. If after receiving the inquiry the police chief determines that the employee has
      not acted within prescribed Department policy, procedure or tactics, the police
      chief may deem the inquiry to be insufficient and may require the filing of a
      Citizen Complaint with procedures to be followed as applicable to the Citizen
      Complaint process.
   5. Examples of an “inquiry” include, but are not limited to:
      a. Why did an employee handcuff a prisoner?
      b. Why was a field interrogation conducted?
      c. Why was vehicle emergency equipment used?
      d. For what reason was a high risk car stop made?

F. Responsibilities of the Internal Affairs Coordinator (Police Chief) (1.9.1.2)
   1. The police chief shall be responsible for the coordination of all investigations
      regarding allegations of serious misconduct by department employees,
      monitoring the investigation of procedural and minor misconduct complaints,
      and maintaining records of all complaints against the department and its
      employees.
   2. The police chief shall maintain the confidentiality and security of internal
      investigations and internal affairs records. These records shall be kept in a
      secure file in the police chief’s office. These records shall be kept separate
      from other department records, and access to them shall be strictly limited.
   3. The police chief shall conduct investigations of alleged or suspected
      misconduct within the Department, assign the investigation to another
      supervisor or request another law enforcement agency to conduct the
      investigation. When assigned to another supervisor/agency, the police chief
shall supervise and control the investigation.

a. The police chief shall also consider whether the alleged misconduct should result in a criminal investigation. In the event a criminal investigation is deemed appropriate, an investigation shall be conducted by another investigator or, with the approval of the police chief, the assistance of an outside investigative agency shall be utilized.

b. The police chief shall ensure that liaison is maintained with the District Attorney’s office in investigations involving alleged criminal misconduct on the part of an employee.

4. In all cases involving a complaint of misconduct against the police chief, the management and authority for the investigation is with the Village Administrator.

G. Officers’ Duties and Rights during an Investigation.

- The following policies and procedures should be employed in investigatory matters of the Village of Holmen Police Department. In each instance, the actions taken, from the initial investigation to final disposition, are to be fair and just. Officers are expected to abide by these practices and/or procedures set forth herein. For purposes of this Section, the term “officer” means any sworn employee of the Department.

- For purposes of this Section, the following procedures should apply regarding an officer’s duties and rights during an investigation:

1. Scope of Questioning During an Interview.
   a. Prior to an internal interview concerning alleged criminal misconduct, the officer under investigation shall be read the *Miranda* rights. The provisions of *Miranda* shall be adhered to throughout the interview.
   b. Prior to an internal interview concerning allegations of administrative violations, the officer under investigation shall be advised as follows:
      1) The officer can be required to answer all questions specifically, narrowly, and directly related to the performance of his/her official duties.
      2) Refusal to comply with an order to answer such questions is a violation of Departmental rules and/or policies, which may subject the officer to further discipline up to and including dismissal.
      3) Any required self-incriminatory admission made during the interview may be used only in subsequent administrative proceedings, and shall not be used against the officer in subsequent criminal proceedings.

2. Counsel/Representative at Interview.
   a. Officers may be permitted to have an attorney, supervisor, or other personal representative with them in the room during any interview
concerning allegations of misconduct by the employee (criminal or administrative). (WI §164.02(1)(b))

b. The officer’s representative is limited to acting as an observer of the interview, except where the interview focuses on, or leads to, evidence of potential criminal activity by the officer. In that case, an officer’s legal representative may advise and confer with the officer during the interview.

3. Special Examinations.
   a. The Department may require a breath test, blood test, urine test, psychological, polygraph or medical examination upon the direction of the designated Departmental official/investigator. The police chief shall determine what additional test(s) will be administered on an individual basis, after conferring with the officer and investigator.
   b. An on-duty higher ranking officer, at the direction of the police chief should direct an officer to submit to a breath, blood or urine test when a level of inebriation/intoxication or drug usage is suspected as the factor directly related to duty performance or operating a Department vehicle.
   c. If an identification lineup is solely for administrative purposes and criminal prosecution is not anticipated, an officer can be required to participate in a lineup.

4. Rights during an Internal Investigation.
   a. Prior to any interview or special examination, the officer under investigation will receive confidential written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately listing the relevant facts. (WI §164.02(1)(a))
   b. All interviews should be conducted while the officer is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
   c. The complete interview shall be recorded.
   d. The accused officer(s) or their supervisor may contact the police chief to ascertain the status of the investigation of a complaint filed against them.
   e. The accused officer(s) will be given reasonable opportunity to explain their actions to the police chief prior to the imposition of any disciplinary action.

H. Dispositional Findings; Closure.
   • The investigator’s report and recommendations on a disciplinary matter or upon completion of an internal investigation will be forwarded to the police chief with a determination as to whether a violation has been sustained according to the evidence. The police chief shall have the authority to make the final determination as far as recommendations for discipline, as applicable.
   • For purposes of this Section, the following procedures should apply:
1. Police Chief's Actions Following Completion of Investigation.
   a. The police chief shall review the final report and supporting documents, and shall give final approval of the disposition of the case as follows:
      1) **Sustained**: Evidence sufficient to prove allegation.
      2) **Not Sustained**: Insufficient evidence to either prove or disprove allegations.
      3) **Exonerated**: Incident occurred but was lawful or proper.
      4) **Unfounded**: Allegation is false or not factual.
      5) **Policy Failure**: Flaw in policy/procedure likely caused incident.

2. Upon final approval and completion, the police chief shall carry out discipline as prescribed in Department Policy 4.02, Disciplinary Procedures.

3. When recommended disciplinary action will result in suspension, dismissal or demotion, a formal statement of charges and specifications may be prepared, pursuant to the policies and procedures adopted by the Wrightstown Village Board.

4. Any employee who is subjected to punitive action shall receive the information specified in Department Policy 4.02, Disciplinary Procedures.

I. All completed investigation documents will be maintained in the Department's internal affairs files, maintained by the police chief. The case disposition and/or findings will be included in the employee’s personnel file.

J. All reports of employee conduct and subsequent administrative action will be tracked in accordance with Department Policy 4.03, Early Warning System.

K. An annual review of all complaints shall be conducted to determine any patterns, tendencies, etc. that need to be addressed. The police chief or his/her designee shall conduct this review.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/04/2016
H.R. 218, the Law Enforcement Officers Safety Act (LEOSA), was enacted July 22, 2004 as Pub. L. 108-277, and is codified as 18 U.S. Code §926B and §926C. The Act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act of 1968 (Pub. L. 90-618, 82 Stat. 1213) to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carry of concealed firearms. The Act does not exempt current or retired officers from any state or local firearm owner registration laws. The purpose of this policy is to set out the procedures by which retired Holmen Police Officers may obtain LEOSA identification cards as required by the statute. The Holmen Police Department will only issue LEOSA Identification cards to retired Holmen Police Officers.

Definitions

"In good standing" means, at the time of retirement, the officer after having reached years of service, age, and other criteria set by the Wisconsin Retirement System, is eligible to receive retirement benefits at the time of their separation, was an active duty officer who was not the subject of an internal affairs, administrative or criminal investigation, not under discipline or pending discipline that could have resulted in his or her termination for misconduct or unfitness for office, and whose separation was not part of a settlement agreement.

Mental Instability - means that the officer either was medically separated for mental instability or, at the time of a years-of-service or disability retirement, the officer was facing removal for reasons of mental instability.

Law Enforcement Officer Safety Act (LEOSA) ID: means an identification card issued by the Holmen Police Department pursuant to the Law Enforcement Officers Safety Act of 2004, 18 USC Sec.926(d)(1) that contains the following: 1) a photo of the retired officer, 2) The type of firearm with which the retired officer qualified, 3) Qualification date, 4) Expiration date.

I. Procedures

A. Eligibility - Retired law enforcement officers of the Holmen Police Department who apply for a LEOSA ID must:
   a. Have retired in good standing from service as a law enforcement officer for the Holmen Police Department, other than for reasons of mental instability.
   b. Have an aggregate of at least fifteen years of service as an active law enforcement officer or retired from service after completing a probationary period, due to a service-connected disability, as determined by the Holmen Police Department.
   c. Have a non-forfeitable right to benefits under the Holmen Police Department’s retirement system (Wisconsin Retirement System).
   d. Have successfully passed a Holmen Police Department background check indicating that he or she is not prohibited by Federal law from receiving or possessing a firearm.
e. Not be under the influence of alcohol or drugs.

f. Have, during the most recent twelve-month period, successfully passed an approved firearms training course that includes elements of Safety, Use and Care, Use of Force Decision-Making, Legal Update, Wisconsin State Statue 939.48 (Self-Defense laws), and Qualification to include sight picture, trigger control, and accuracy. A minimum score of 80% accuracy is required.

g. Submit a completed Holmen Police Department “Application for LEOSA Identification Card” form and any other required documentation along with the established fee.

h. Submit a certificate of successful course completion and firearms qualification from an approved firearms training facility as set forth by the Holmen Police Department. The certificate shall indicate the make, model, and serial number of the firearm qualified with along with the qualification score. All firearms must meet the same specifications as found in Holmen Police Department Policy & Procedure 1.5, 1.6–Firearms qualification certification is at the expense of the retired officer.

i. Submit a completed and signed “Retired Law Enforcement Officer Identification Card Liability Waiver, Release and Indemnification agreement”.

B. Background Check

- The Holmen Police Department will conduct a complete local, state and federal background check to ensure that the retired officer is legally able to continue to possess a firearm. The background investigation will also determine that requirements in I-A-a through i of this policy are met.

C. Records Database

- The office of the Chief of Police will maintain a database of retired officers which will indicate whether a retired officer was eligible to hold a LEOSA identification card under HR 218 and this policy at the time of retirement. The database should also include record of those retired officers that are currently holding LEOSA ID cards issued by the Holmen Police Department.

D. Issuance of ID

- The Holmen Police Department may issue LEOSA ID to retired officers who meet all requirements set as forth in this policy.
  
  i. The Chief of Police has the final authority on the issuance/denial of all LEOSA ID.
  
  ii. LEOSA ID cards are the property of the Holmen Police Department and shall be surrendered upon written or verbal notification from the Chief of Police/designee.
  
  iii. All LEOSA ID cards expire after twelve (12) months from date of issuance.
  
  iv. Renewal of LEOSA ID cards requires the same process as new cards.

E. Application Process

- Applications for the LEOSA ID card will originate in the Police Records Division. Personnel will verify that the person requesting the application is a retired Holmen Police Officer prior to giving an application. Retired officers currently living out of state will be mailed an informational packet containing resources including this policy and applications, and are required to provide a current digital format photograph as determined to be acceptable by the Records Division as well as all other required documentation.
  
  i. Completed applications and any other required documentation will be accepted and processed by the Records Division.
  
  ii. A non-refundable fee will be submitted with the completed application along with any required documentation as stated in I-A-a through i.
  
  iii. The Records Division will take a digital photograph of the retired officer at the time the application is submitted.
  
  iv. The Chief or Lieutenant will conduct the background check.
v. If approved, the Records Division will produce a LEOSA ID card and make arrangements for delivery.

vi. Sworn officers who are current Holmen Police Department employees who wish to have an LEOSA ID Card issued on their last day of employment must submit an application for LEOSA ID no more than 60-days and no less than 30-days prior to their retirement date. The training division will ensure that the officer completes the department’s qualification course with the weapon that officer will register on the identification after receipt of application. Fees and background checks will be waived for current employees who provide application in compliance with this section. The LEOSA ID will be issued on the last date of employment.

III. Prohibitions

- The Law Enforcement Officers Safety Act and provided LEOSA ID Card does not authorize the retired officer to:
  i. Carry a machine gun, silencer, or other destructive device.
  ii. Act in the capacity of a law enforcement officer of the Holmen Police Department.
  iii. Carry a firearm on any government property, installation, facility, building, base or park with laws or regulations prohibiting or restricting the carrying of firearms (such as airport boarding areas, courthouses, etc.).
  iv. Carry a firearm on any other public or privately owned property, facility, building or area, where the carrying of firearms is prohibited or restricted (such as private schools, commercial aircraft, etc.).

IV. Non-H.R. 218 LEOSA Retired ID Cards

- Officers who retire in good standing and do not wish to hold a H.R. 218 LEOSA ID card are eligible to receive a standard Holmen Police Department “RETIRED” identification card. This identification card will indicate that the identification card is not in compliance with H.R. 218 and conveys no privileges to carry concealed weapons.
  i. Retired ID cards are the property of the Holmen Police Department and shall be surrendered upon written or verbal notification from the Chief of Police/designee.
  ii. Standard “Retired” ID cards do not expire.
  iii. Retired officers will be provided with an ID card at no expense.
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: OVERTIME              NUMBER: 6.14
SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL  REVIEWED: 06/22/20

PURPOSE
The purpose of this document is to establish guidelines for authorizing and administering overtime.

POLICY
It is the policy of the Holmen Police Department to provide overtime compensation to Holmen Police Department employees, in accordance with Federal, State, and contractual guidelines, for overtime work performed while accomplishing department goals.

I. PROCEDURE
A. General Guidelines
1. Overtime shall be used only when other alternatives are not appropriate.
2. All overtime shall be pre-approved by a supervisor. The only exceptions to this rule are:
   a. Officers held over to complete active call.
   b. Complete paperwork (per section I (B)(5)).
   c. Court duty (per section I (B)(4)).
3. An employee’s signature on the time sheet form verifies that the information is correct and authenticates the request for compensation.
4. Submission of a voucher containing false information may subject that employee to disciplinary action.
5. The supervisor’s signature indicates his/her review of the voucher and certifies the appropriateness of the claim in accordance with department policy and contractual obligations.

B. Overtime is allowed under the following circumstances:
1. Supervisors calling off-duty officers in to work in an emergency situation or we are short staffed.
2. Supervisors holding officers beyond their normal work shift to complete active calls or to complete paperwork (per #5 below).
3. Any other circumstance deemed necessary by a supervisor.
4. Court time. Contract states that overtime is guaranteed for a minimum of two (2) hours for court. If court doesn’t last that long, the employee may be requested to work the remaining time in those two (2) hours.
5. Overtime to complete reports will only be authorized if the following situations exist:
   a. A person is in custody and the report will be needed for court the next day.
   b. The officer is on his/her last shift before days off, vacation, holidays, etc.
c. The report involves a major case and will be needed for follow-up investigation immediately.

C. Overtime is NOT allowed under the following circumstances:
   1. For personnel:
      a. On leave of absence with pay.
      b. On sick leave, vacation, holiday, or any other leave.
      c. Receiving worker’s compensation.

D. Reason for Overtime.
   1. A detailed explanation of overtime work performed should be written, including case and incident type.
   2. In the case of overtime performed as a result of a court trial, indicate the defendant’s name, case number, and disposition of the case, if known.

Chief of Police
Shane Collins
INTRODUCTION
It is the purpose of this policy to establish guidelines for recognizing exemplary service by departmental personnel and to provide protocols for the presentation of awards and related recognition for such service.

POLICY
The recognition of personal excellence is an important aspect of this department’s activities. Presenting departmental awards for meritorious service provides that recognition, thereby enhancing departmental morale, reinforcing the department’s commitment to the maintenance of a high standard of performance by its members, and motivating personnel to perform their duties at the highest possible level. Therefore, it is the policy of the Holmen Police Department to recognize and reward meritorious service through an awards program to be administered under the procedures set forth here-in.

I. STRUCTURE OF AWARDS PROGRAM
A. Awards Board
   a. The Chief of Police shall appoint an Awards Board to receive and evaluate recommendations for awards. This Board shall determine whether an award should be presented and, if so, which award would be appropriate.
   b. The Board shall consist of the number of members determined to be appropriate by the Chief and shall represent a cross-section of departmental ranks and duty assignments.
   c. The member of the Board who is senior in rank shall serve as chairman of the Board.
   d. If a member of the Awards Board is under consideration for receipt of any award, that member shall be excused from the Board for the period when this award is under consideration. The Chief may appoint a member to the Board of appropriate rank to serve on the Board in place of the officer being considered for the period indicated.

B. Awards
   a. Medal of Valor.
      • Awarded to departmental members for conspicuous gallantry while acting in the line of duty. Presented to officers for acts of exceptional bravery performed at very high risk to their own lives with full awareness of the danger involved. This award will be presented in the form of a medal, a ribbon bar, and a certificate.
   b. Medal of Distinction
      • Awarded to departmental members who distinguish themselves in the line of duty by acts of personal bravery not falling within the guidelines for the Medal of Valor. This award will be presented in the form of a medal, a ribbon bar, and a certificate.
   c. Life-Saving Award
      • To be conferred upon any member of the department whose actions directly contribute to saving or significantly prolonging human life. This award will be presented in the form of a ribbon bar and certificate.
d. Award for Meritorious Service
   • Awarded to any member of the department for outstanding job accomplishment that
     has contributed to a more effective and efficient police department. This may involve
     improved administration, improved operations, substantial cost savings, or other
     benefits to the department that have materially facilitated the effective performance of
     the department’s mission. This award is presented in the form of a ribbon bar and a
     certificate.

e. Certificate of Commendation
   • Presented in recognition of a high degree of competence and professionalism in the
     performance of departmental duties. This includes exemplary conduct during a field
     incident or operation, outstanding administrative work, the effective handling of a
     criminal investigation, the organization of a new and beneficial departmental
     program, designing and conducting a course of training, and commendable
     participation in any other activity that improves the department’s functioning or brings
     credit upon the department in any way. It may also be presented to any employee
     who has demonstrated long-term excellence in service to the agency. This award is
     presented in the form of a certificate.

f. Letter of Recognition
   • Presented to departmental members who perform their duties in a manner that
     demonstrates professionalism, devotion to duty, and dedication to the performance of
     the departmental mission. This award may also be presented for the submission of
     any suggestion subsequently adopted by the department that materially improves the
     efficiency of the department. This award is presented in the form of a letter to the
     employee signed by the Chief of Police. Line supervisors may make presentations of
     these awards to officers under their command as approved by the agency Chief.

g. Citizen Commendation
   • This award may be presented to any person who is not a member of the department
     but who has materially aided the department or its officers in some way. This
     includes assistance in the solution of crime or the apprehension of criminals, aiding
     an officer in the field in a critical situation, and cooperation with or assistance to the
     department as a whole in any aspect of the department’s administration or
     operations.

h. Other Awards
   • The department may establish other awards as deemed desirable and as designated
     by the Chief. Any such additional awards shall be considered and presented in
     accordance with this policy.

I. PROCEDURES
   A. Recommendations for Awards
      a. Who May Make Recommendations
         • Any departmental member may recommend another departmental member for any
           award. More than one person may make recommendations jointly.
      b. Form of Recommendations.
         • Award recommendations shall be neatly typed and shall set forth in detail the
           circumstances upon which the award is recommended. The recommendation must
           identify the person or persons making the recommendation and be signed by that
           person or those persons.
      c. Supporting Documentation
         • The recommendation form may be accompanied by such supporting documentation
           as is deemed desirable by the person or persons initiating the recommendation. This
           documentation may include such items as witness statements, photographs,
           pertinent departmental incident reports, medical reports, reports from other law
           enforcement agencies, statements from civilians familiar with the incident, newspaper
           articles, and any other evidence that will assist the Awards Board in determining the
           merits of the recommendation.
d. Forwarding of Recommendation
   • The recommendation shall be forwarded to the Awards Board in the manner and through the channels established by the Board.

e. Nomination of Private Citizens for Awards
   • Any member of the department who is given significant assistance by a citizen, or any member of the department who is aware that such assistance has been given to another employee, may nominate that citizen for a Citizen Commendation. Such nominations shall be prepared and forwarded in the manner prescribed for recommendations of departmental personnel.

f. Letters from Citizens Commending a Departmental Employee
   • Letters from citizens commending a departmental employee shall be forwarded to the Chief. If the Chief concludes that an award to the employee may be justified, he or she shall prepare and forward to the Awards Board a recommendation for award in accordance with the procedures set forth in this policy.

B. Determination of Awards
   a. All recommendations for departmental awards are to be kept on file pending the next meeting of the Awards Board.
   b. The Awards Board shall meet monthly or at such other intervals as are directed by the department. Special meetings may be held at the discretion of the Board Chair to consider recommendations requiring the Board’s immediate attention. Where the recommendation is for an award to be presented posthumously, or for an award to a departmental member who has been seriously injured in the incident that is the subject of the recommendation, the Board shall convene to consider the award as soon as possible following receipt of the recommendation.
   c. The Awards Board shall conduct a hearing to examine the circumstances of the recommendation and collect all of the facts pertinent to the case. This fact-finding process may include the hearing of witnesses, the examination of supporting documents submitted with the recommendation, the examination of any other reports prepared in connection with the incident, and, if necessary, field investigation to determine the accuracy of the testimony and documentation submitted.
   d. Upon completion of the fact-finding process, the Board shall consider the case in closed session and vote upon the recommendation. A majority of the votes of the Board members present and voting shall be sufficient to determine the Board’s recommendation.
   e. The Board may make any one of the following findings:
      i. That the case meets the standards for the award that is the subject of the recommendation, and that the award is therefore approved, or
      ii. That the circumstances justify recognition, but that it has been determined that the presentation should be for an award other than that specified in the initial recommendation, or
      iii. That the facts as currently known do not justify an award at this time.
   f. Following the Board’s deliberations, a written report shall be forwarded to the Chief setting forth the Board’s findings.
   g. Upon receipt of the Board’s report, the Chief may approve, disapprove, or modify the Board’s findings.
   h. Only one award shall be made to an individual for any one act, achievement, or period of meritorious service. However, there is no limit to the number of medals, certificates, or letters of recognition that may be awarded to an individual for separate acts.
   i. The Awards Board shall maintain an Awards Case File. This file shall contain copies of each report of the Board’s deliberations upon each recommendation received. This includes all recommendations for awards to departmental members, together with copies of any supporting documents submitted with the recommendations. The Awards Case File shall be maintained alphabetically by employees’ names, and shall be open for inspection to any member of the department. Recommendations for commendation of civilians for assistance to the department shall be maintained in a similar manner.
Prior to January 1 of each year, the Board shall prepare and forward to the Chief an annual report stating the number of award recommendations received during the prior year, the total number of awards presented during that year, and the number of each type of award presented.

C. Notification of Award
   a. Personnel for whom departmental awards have been approved shall be notified immediately of the award through the Chief.
   b. Notices of all departmental awards shall be posted on departmental bulletin boards and noted in appropriate departmental documents and publications.
   c. All departmental awards shall be made a matter of record in the employee’s personnel file. A photocopy of the certificate of award shall be included in the file. All awards shall be considered in connection with future personnel decisions, such as promotion or assignment to a particular duty or location.
   d. Where appropriate, press releases regarding departmental awards should be made available to local media representatives.
   e. A copy of the citizen’s letter of commendation shall be forwarded to the employee, another copy shall be placed in the employee’s personnel file, and further copies shall be posted on departmental bulletin boards or otherwise disseminated within the department.
   f. Citizens who have received departmental commendations for assistance to the department should be notified in a similar manner.

D. Presentations of Awards
   a. Presentation of all departmental awards other than Letters of Recognition shall be made at a formal ceremony deemed appropriate by the Chief. Letters of Recognition may also be presented at a formal ceremony at the discretion of the Chief or by another command or supervisory officer as designated by the Chief.
   b. During awards ceremonies, presentations of awards shall be made whenever possible by the Chief or another high-ranking departmental executive as designated by the Chief.
   c. All personnel not otherwise engaged in duty assignments shall be encouraged to attend the presentation. All personnel attending such ceremonies should be properly attired under guidelines established by the department.
   d. Members of the recipient’s family shall be invited to attend the ceremony and, upon arrival, should be escorted to a position that provides a full view of the proceedings.
   e. Members of the local press shall be invited to attend presentations of awards of the Medal of Valor, Medal of Distinction, and the Life Saving Medal.
   f. Normally the individual who has earned the award will accept the award in person at the presentation ceremony.
   g. Posthumous awards shall be received by the next of kin. “Next of kin” normally is construed to mean one of the following:
      i. Widow or widower
      ii. Eldest son or daughter
      iii. Parent
      iv. Eldest brother or sister
      • This order of preference may be modified as circumstances dictate in individual cases.
   h. Posthumous awards may be presented at the memorial or funeral service for that individual, or at such other time as is deemed appropriate by the next of kin.
   i. Letters of recognition not presented at a formal ceremony shall be placed in the employee’s personnel file and a copy posted on departmental bulletin boards or otherwise disseminated through the department.
   j. Commendations to civilians may be presented at a formal ceremony at the discretion of the Chief, but only with the prior approval of the citizen concerned.

E. Wearing Awards
   a. Medals are not intended for wear on the duty uniform.
   b. Award ribbon bars may be worn on the duty uniform. If worn on the duty uniform, ribbon bars shall be placed on the uniform as directed by the departmental policy governing the wearing of the uniform.
c. When worn on the duty uniform, multiple ribbon bars shall be displayed in the order of preference of the award, with the highest award being displayed on the employee’s right.

d. Ribbon bars worn on the duty uniform shall be maintained in good condition at all times.

e. No medals, ribbons, or pins of any type shall be worn on the uniform unless the department specifically authorizes such wear.

Chief of Police
Shane Collins
PURPOSE:

To provide recommendations for the recruitment and hiring of police officers.

POLICY:

The Police Commission for the Village of Holmen hereby adopts the following requirements and procedures for the hiring of a Police Officer for the Village of Holmen. This will, in addition, establish an eligibility list for Twelve (12) months from the date of hiring.

The Department seeks to hire those candidates who are potentially the best possible officers to work in the agency, and for the community.

The Department will not discriminate on the basis of race, sex, age, politics, economic or social status, nationality, or marital status; No favoritism will be shown on the account of friendship or any other relationship.

Wisconsin State Statute 62.13 charges the Police Chief with the responsibility of appointing his/her subordinates – subject to the approval of the Police Commission, authorizes the Police Chief to make such appointments by promotion when this can be done with advantage; otherwise, from an eligible list provided by examination and approval by the Commission and kept on file with the Clerk-Treasurer.

Personnel will be hired in light of the fact that a police officer:

a. Engages in the difficult, complex and important business of human behavior;
b. Must be sound physically and emotionally;
c. Must be articulate; and need intellectual curiosity, analytical ability, and a capacity to relate the events of the day to the social, political and historical context in which they occur.
**DESIRABLE EXPERIENCE AND TRAINING.**

Experience involving public contact; or any equivalent combination of experience and training which provides the desirable knowledge, abilities and skills.

Minimum of 60 college credits, Associate’s Degree; Bachelor’s Degree preferred. An applicant for Law Enforcement who does not meet these requirements, must meet the standard requirement by the end of their fifth year of employment

Satisfactorily completed the Wisconsin law enforcement officer preparatory training or a sworn officer taking the Wisconsin DOJ TSB Reciprocity Examination.

**DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS.**

Ability to follow orders, works and cooperates with others, including fellow members and employees of the Police Department, governmental agencies, other law enforcement agencies and the general public.

Ability to deal with individuals and groups with understanding, tact, and courtesy.

Ability to acquire knowledge of police techniques and procedures, investigative methods, evidence development and preservation, court preparation and presentation, traffic and crowd control methods, and patrol procedures.

Ability to analyze situations quickly and objectively, and to determine a proper course of action to be taken.

Ability to write effectively and translate what one sees and hears into meaningful written reports.

Ability to speak effectively, to make oral presentations, explain and clarify matters as needed, and to testify in court.

Ability to develop skills in techniques and procedures utilized in the safe use and care of firearms.

Ability to develop skills with techniques and procedures utilized in making emergency / nonemergency & pursuit runs with police vehicles.

Emotionally Stabil

Good health and physical reflex agility, to perform physically taxing police duties.
QUALIFICATIONS.

Must meet the minimum standards of the Wisconsin Training and Standards Board.

1. U.S. Citizen, twenty one (21) years of age.
2. High School diploma issued by a public, private, or high school equivalency education program. Copies of form PI-1206 filed with Department of Public Instruction for applicants who have completed a home school program in Wisconsin, or documentation that the education program has met the requirements of the Department of Education from the state where the home school program was completed.
3. Must not have been convicted of any federal felony or of any offense which if committed in Wisconsin could be punished as a felony unless the applicant has been granted an absolute and unconditional pardon.
4. Applicant must possess a valid Wisconsin driver’s license or other such valid operator’s permit recognized by the Wisconsin Department of Transportation as authorizing operation of a motor vehicle in Wisconsin.
5. Applicants must not have been convicted of any misdemeanor crime of domestic violence unless the applicant has been granted an absolute and unconditional pardon.
6. Officers certified in another state are required to complete a contingency program as established by the ‘Training and Standard Board of the State of Wisconsin.’
This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/31/2016
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: PRIMARY TRAINING (field training)  NUMBER: 7.2
ISSUED: 08/31/2016
SCOPE: All Department Personnel  REVIEWED: 06/22/20
DISTRIBUTION: Policy & Procedure Manual
☐ RESCINDS
✓ AMENDS 04/20/22
REFERENCE: WILEAG 4TH EDITION STANDARDS: 12.2.4.1, 12.2.4.2, 12.2.4.3, 12.2.4.4, 12.2.4.5

INDEX AS: Civilian Employee Training
Employee Orientation
Field Training Program
Recruit Training
Remedial Training

PURPOSE: The purpose of this Policy & Procedure is to provide information and guidance in the operations of the Police Department and the Village of Holmen to all new employees. This will ensure that new employees understand their role, responsibilities, and rights during orientation, initial training, and/or field training.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. EMPLOYEE ORIENTATION
III. FIELD TRAINING PROGRAM – LAW ENFORCEMENT OFFICER
IV. RECRUIT TRAINING
V. REMEDIAL TRAINING

I. POLICY

It is the policy of the Holmen Police Department that all new members receive orientation training to the Village and the police department as soon as practical; to provide recruit training, if needed, and field training to all sworn officers; and to provide remedial training when required to achieve the maximum development of each employee’s potential.
II. EMPLOYEE ORIENTATION
A. All employees shall receive a new employee orientation.
   1. The police chief, Village Clerk and Village Administrator shall provide
      information regarding Village history, philosophy, policies, salary, and
      benefits.
   2. The police chief and Administrative Assistant/Court Clerk shall provide
      information regarding the police department’s role, purpose, goals, policies,
      procedures, working conditions, and regulations, as well as the
      responsibilities and rights of employees.
B. The orientation shall be documented using the “New Employee Orientation
   Checklist” form.
C. Employees assigned to non-sworn positions, including interns and clerical
   employees, shall receive initial training in addition to orientation to ensure a
   complete understanding of job responsibilities.

III. FIELD TRAINING PROGRAM – LAW ENFORCEMENT OFFICER
A. Objectives of the Field Training Process
   1. Improve the overall applicant screening process.
      a. The Field Training Process is one phase of the Department’s overall
         applicant screening process. It is designed for FTOs to evaluate new
         officer candidates in the informal environment of the squad car to
         determine if the applicant would be a good fit for the organization.
   2. Establish a probationary police officer appraisal system.
      a. The FTO process uses a standardized and systematic approach to
         provide valid, job-related evaluation and documentation on probationary
         law enforcement officer performance.
   3. Establish a program review procedure.
      a. The program provides an appraisal system to measure the effectiveness
         of the department’s selection and training processes by allowing feedback
         regarding the probationary law enforcement officer’s strengths and
         weaknesses.
   4. Improve the probationary law enforcement officer’s training experience.
      a. FTOs serve as role models for probationary officers in the development of
         the knowledge/skills/abilities needed to perform patrol duties in the Village
         of Holmen and the practical application of Police Academy materials.
   5. Establish an improved refresher training program.
      a. The program provides a system to provide refresher training to officers
         returning to patrol from extended absences or assignments.
      b. Officers who have been absent from patrol for 6 months or more or more
         will be assigned to an FTO for a minimum 5-day period. This period may
         be extended up to 10 days at the discretion of the police chief.
      c. During this time officers are assigned with an FTO, however, they will not
be subject to the formalized evaluations required of probationary officers in field training. The FTO's function during this time is to re-familiarize the officer with agency forms, updated Policy & Procedures; and to insure that the returning officer is provided with opportunities as are necessary to meet or re-qualify in skills and knowledge required for job description.

B. Organization of the Field Training Program

1. Field Training Unit Coordinator
   a. The Field Training Coordinator shall be the police chief or his/her designee.
   b. (12.2.4.5) The Field Training Coordinator shall be responsible for the general administration and evaluation of the Field Training Process, active supervision and evaluation of all FTOs, and the staff monitoring of all probationary officers for the duration of their probationary period.
   c. The Coordinator shall monitor and evaluate the overall development of probationary officers during the probationary period for purposes of ascertaining any performance deficiencies and resolving those deficiencies through training and/or remedial training.
   d. The Coordinator shall be responsible for planning, directing and evaluating field training assignments and any changes in such assignments or variations in the length of the assignments.
   e. The Coordinator shall facilitate the assembly of information relating to a probationary officer's progress to the police chief.
   f. The Coordinator shall conduct a comprehensive evaluation of each probationary officer monthly and prepare a statement of the probationary officer’s development and submit the evaluation to the police chief with a recommendation to retain, recycle (extend training), or dismiss the officer. All other Department Field Training personnel will be offered the opportunity to provide input to assist in the final probationary evaluation.
   g. Whenever possible, the Field Training Coordinator should attend the various training sessions and Field Training Unit meetings to provide/receive firsthand information concerning a probationary officer's performance and to allow the opportunity to observe the performance problem solving techniques of the Field Training Officers.

2. Field Training Officer
   a. The Field Training Officer has two primary roles to fulfill: that of a police officer assuming full patrol responsibility; and that of a trainer, coach, and evaluator of probationary officers and the responsibility of properly documenting the same.
   b. (12.2.4.4) The Field Training Officer shall be a sworn officer who has met all posted qualifications of the Department’s Field Training and Evaluation Process. Minimum qualifications will be:
      1) At least 3 years of experience as a Police Officer, (this is ideal and can be waived if circumstances dictate.
2) Positive evaluations,
3) Average to above average activity for the shift he/she works,
4) Demonstrated strong officer safety skills and practices,
5) Demonstrated good one on one communications skills,
6) A positive attitude.

c. All Field Training Officers shall receive formal FTO training consistent with this program.
d. Field Training Officers may assist in the Department’s background investigation for police officer candidates.
e. The Field Training Officer may be released from field training and evaluation duties as follows:
   1) At the request of the FTO.
   2) By removal of assignment for patrol duties.
   3) At the direction of the police chief.

C. Assignment of Probationary Officers to Field Training
   1. The Field Training assignment shall be predetermined. The Field Training Coordinator may continue the field training assignment of a probationary officer beyond the predetermined time if the need for further training and evaluation is apparent, with the approval of the police chief.
   2. (12.2.4.2) During the Field Training Process probationary officers will experience a broad range of tasks to prepare themselves for policing.
   3. The Field Training and Evaluation Program will count as part of the Probationary Officers 18 month probationary period.
   4. The Field Training Process shall be divided into the following phases:

   a. Orientation Week – (3-5 days)

   A. GENERAL ORIENTATION
   1. Building tour
   2. Introductions
   3. Municipal Facilities
   4. Equipment checklist (keys)
   5. Policy manual
   6. Ordinances

   B. FTO Training Orientation
   1. Introduction to FTO’s
   2. Training schedule
   3. Expectations during FTO Program
   4. Bi-weekly evaluations

   C. Patrol Operations
   1. Shift schedule
   2. Days off (holidays/vacation/ comp time/sick time)
   3. Overtime/court time
4. Time sheet

D. Paperwork / Records / Computer
1. Department forms (use/location/report forms)
2. Computer use
   a. MDT/Visions/Tracs/Bonds/Email/Search Warrant/Subpoena phone
3. Basic record system
4. Forms needed for patrol bag (patrol bag set up)
5. Camera set up / computer download and review

E. Tactics
1. Firearms qualifications (handgun, rifle, shotgun)
2. Less lethal
3. EVOC
4. Scenarios

b. **Phase One** – Phase 1 is designed to last a program minimum of eighteen (18) training days. Your FTO will provide structured training during this period and will verbally review the formal “Daily Observation Report” with you to ensure that you are receiving specific feedback concerning your on-the-job performance.

c. **Phase Two** – Phase 2 is designed to last a program minimum of eighteen (18) training and evaluation days. Your FTOs shall continue their **Training Task Sheet** instructional responsibilities along with formal performance feedback utilizing the Daily Observation Report.

d. **Phase 3** - Phase 3 consists of a program minimum of eighteen (18) training and evaluation days. Your FTO will complete the **Training Task Sheet** and review areas previously covered on a time-available basis. Formal performance feedback utilizing the Daily Observation Report will continue.

e. **Phase 4** – Phase 4 is designated to last a program standard of twelve (12) working days. IT is imperative to recognize that you are required to handle 100% of the workload demands (unless the FTO exercises “discretionary override” or there is significant public risk/hazard). The balance of Step 4 comprises the “Shadow Period” (non-uniformed). The purpose of the “Shadow Period” is to afford you the opportunity to provide patrol services in “solo” fashion – that is, you shall perform all the duties and responsibilities
required to handle the call/activity without the FTO's assistance. During this period, the FTO is responsible for thoroughly evaluating your performance in order to provide the Department with a report of your readiness/capability to provide solo patrol services in a courteous, safe, effective and efficient manner. The FTO will not intervene or assist you unless there is a direct threat to your safety, the public's safety, or if the quality of police service delivery would be “compromised.” The “Shadow Period” is your opportunity to demonstrate your ability to earn a solo patrol assignment. Upon entering Step 4, you will be evaluated to determine if a review period is necessary. During a review period, the FTO will remain in uniform, and to the extent necessary, will provide additional training/coaching assistance.

f. **Phase 5** - Phase 5 represents the balance of the probationary period. During Step 5, you will be assigned to solo uniform patrol operations (and any other assignments as directed). You shall meet on a weekly basis with the Field Training Coordinator and Commander to formally review your performance. A FTO will be periodically assigned to execute “check-out rides” with you during Step 5.

D. **Extension of Training**
1. The Field Training Unit will meet on a regular basis to review your progress in satisfactorily meeting the Field Training and Evaluation Program’s requirements. The Field Training Unit has the latitude to recommend an extension of your training beyond the program standard number of scheduled days in each training and evaluation “step.” This extension is granted when problems are identified which would hinder your performance or if you are behind schedule to the point that you could not be expected to “catch up” under normal circumstances. The extension of training allows the Holmen Police Department to work with you on specific problems. You should view the extension, if it occurs, as if you have been placed in a “holding pattern” for a short time. No stigma is attached to the Officer who receives a Field Training and Evaluation Program extension. The extension of training should be viewed as a positive decision to assist you to “get
back on track."

E. (12.2.4.3) Evaluation Process
1. Daily Observation Report
   a. DORs shall be completed by the Field Training Officer each patrol shift starting with the 1st certified working hour of Step Two, through the end of Phase Two. These reports will be filed in the probationary officer’s field training file after being reviewed and signed by the probationary officer.

2. Bi-Weekly Evaluation Report
   a. These reports shall be completed by the designated Field Training Coordinator with the assigned FTO for each 80 hour training and evaluation period, regardless the number of certified working hours during this period. These reports will be filed in the probationary officer’s field training file after being reviewed and signed by the probationary officer.

3. Probationary Officer Self-Evaluation
   a. These reports shall be completed by the probationary officer at the completion of Steps, Two and Three, and periodically during Phase Three. This is a detailed estimate of the probationary officer’s performance, noting strengths and weaknesses. These reports will be filed in the probationary officer’s field training file after being reviewed and signed by the probationary officer.

   a. Completed by the Field Training Coordinator with collaborative assistance from other Department employees. These reports will be filed in the probationary officer’s field training file after being reviewed and signed by the probationary officer.

5. Evaluation of Field Training Process
   a. An evaluation of the Department Field Training Process shall be completed by the probationary officer at the end of Phase Two.
   b. An evaluation of the Department Field Training Process shall be conducted by the Field Training Coordinator and FTOs at periodic intervals

F. Employment Status Process.
1. (12.2.4.5) Upon the successful completion of Phase One, Two, and Three the probationary officer will receive notice. A Shift will be given to the new probationary officer, along with letter of field training completion.
2. Upon successful completion of the probationary period, the probationary officer will receive notice of same.
3. If at any time during the probationary period it is determined a probationary officer is not performing at a satisfactory level, a recommendation for termination may be initiated.
   a. This should be a “last resort” action and only initiated after the
probationary officer has not responded to reasonable attempts at remedial training.

b. The police chief will determine if the requested dismissal is warranted.

4. During the probationary period the police chief may at his or her discretion release a probationary officer from employment.

G. Disposition of Field Training Evaluations

1. Upon completion of Phase Three, the probationary officer’s Field Training Process evaluations will be filed as follow:
   a. Department personnel file
      1) Employment Status Action Report
   b. All other Field Training and Evaluation Program files
      1) Shall be maintained in the Departmental training files by officer name.
      2) Field Training and Evaluation Program Files are confidential and shall be reviewed only by persons with “need to know”, upon approval of the police chief.

H. Prior Law Enforcement Experience

1. The length of training days for a probationary officer with prior law enforcement experience may be shortened in each step as the FTO Unit determines appropriate. The probationary officer must have completed all tasks for the assigned steps with above average evaluations, unless authorized by the Police Chief to move to solo patrol. Phase 5, the balance of the probation period, may also be shortened at the discretion of the Police Chief.

IV. REMEDIAL TRAINING

A. Remedial training is defined as personalized training used to correct a specific performance deficiency which may have been identified through:
   1. Annual performance evaluations;
   2. Evaluations during field training or remainder of probationary period;
   3. Observations by a supervisor during routine duties;
   4. Following a sustained complaint by a citizen or other source.
B. Upon recommendation of an employee’s supervisor, remedial training shall be scheduled for employees who:
   1. Consistently demonstrate a lack of skill, knowledge, or ability in the performance of job related skills;
   2. Have been disciplined for conduct which can be corrected through remedial training.
C. When a senior employee determines that another employee needs remedial training, they shall forward a memo to the police chief stating the deficiency. The police chief shall make a determination of the stated need and recommend a course of action to correct any deficiency found.
D. Personnel in need of remedial training shall be notified in writing and informed of the reason for the need, as well as the process for remedial training and evaluation.
E. Upon completion of remedial training, all test scores, certifications, or other pertinent documents shall be forwarded to the police chief for evaluation and inclusion in the employee’s personnel file.
F. Failure to participate or respond to remedial training may result in a recommendation for disciplinary action.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 08/31/2016
Amended 04/20/22
PURPOSE: The purpose of this Policy & Procedure is to describe the Holmen Police Department’s approach to continuing training including annual training and establishing a formal career development program that possesses the following objectives:

- To assist all members of the Department in realistically assessing their skills and aptitude for occupational and organizational growth.

- To provide a formal process whereby a member of the Department can specifically identify career objectives, and to the extent that they are otherwise eligible and qualified to receive consideration for training and assignment related to those objectives.

- Disseminate information to all members of the department regarding educational programs and non-department training opportunities that would assist them in pursuing career objectives.

- To set guidelines for job specific training as a result of a promotion, assignment to a specialty position and/or reassignment.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. ANNUAL IN-SERVICE TRAINING

III. CAREER DEVELOPMENT

IV. SPECIALIZED TRAINING
I. POLICY

It is the policy of the Holmen Police Department to adhere to the minimum annual training standards for sworn employees established by the State of Wisconsin. Although the majority of Department personnel are generalists the Department seeks to identify and provide appropriate specialized training opportunities for all employees that may be appropriate for career development or those seeking promotion to certain positions.

II. ANNUAL IN-SERVICE TRAINING

A. Pursuant to WI §165.85(4)(bn)(1) all sworn officers shall complete at least 24 hours of annual re-certification training. Officers who do not complete 24 hours of re-certification training will be subject to de-certification. Officers de-certified by the Wisconsin Training and Standards Bureau may be terminated from the Holmen Police Department.

B. The intent of annual re-certification training is to meet state-mandated 24-hour training requirements such as firearms recertification, and augment previous training and skills with current information regarding changes in legislation, advances in technology, revisions in policy, and areas of special interest and skill.

1. The state mandated training referred to above is met when an officer completes in any combination at least 24 hours of:
   a. State approved in-service training provided by the Department and approved by the police chief; and/or
   b. Instruction from schools which offer state approved recertification training.

C. Roll Call training shall be provided and utilized to provide information on items such as new laws, directives, general orders, policies and procedures, amended policies and procedures, new equipment, etc. Roll Call training shall also be used to update officers on officer safety issues and other tactical concerns. Low level DAAT and firearms drills may also be incorporated into Roll Call training as coordinated by an approved Departmental DAAT and Firearms Instructor and supervisors.

III. CAREER DEVELOPMENT

A. Introduction

1. Career development is a process that is utilized to provide opportunities for individual growth and development at all levels. It is designed to promote productive, efficient, and effective job performance and to improve the overall level of individual job satisfaction. It is through career development that upward mobility of personnel, professional growth, and improved job performance may be enhanced.

2. Career development efforts are distinguished from training efforts in that
training is directed at meeting current department needs for basic and specialized skills and proficiency. Career development addresses the long term needs of members of the department to establish and meet personal goals related to occupational growth and organizational advancement. The department has a legitimate interest in both activities. Whereas training involves more immediate needs and current performance; career development affects motivation, job satisfaction and overall performance of members of the department.

3. While the Holmen Police Department cannot compel an individual to take an active role in their own career development, department personnel are strongly encouraged to take advantage of the available training/educational opportunities.

B. Procedure

1. Although priority must be given to the Department's operational needs, whenever possible, the police chief should, to the extent possible, accommodate employees pursuing education or training on their own time, in their scheduling, provided this is done consistent with the requirements of prevailing law.

2. Whenever department authorization is required for a member to participate in training, even though said training is funded by the member and attended during off duty hours, authorization will be given if the training is consistent with the member's stated career development objectives.

3. The department will not discriminate in training, assignment or promotion of members who have sought employment outside the Department, and when requested by the member involved, will provide references and other information, which may be helpful to another employer considering the employment of a member.

C. Program Authority (12.2.6.1)

1. While all employees are responsible for adhering to the spirit of career development, the police chief has overall program authority and responsibility, which includes the following administrative duties:
   a. Upon request by an employee, make an assessment of that employee's career objectives and progress made toward attaining them.
   b. Assist officers in accessing WILENET and other internet based training repositories to review education, training and employment opportunities, which may be of interest to members of the Department.
   c. Assist employees of the Department who choose to pursue education or training on their own time consistent with established department standards and directives.
   d. Assist employees in identifying and taking an active role in current department training programs.
   e. Promote career development as beneficial to the Department in terms of improved employee morale and motivation.
D. Career Development/ Information
   1. The Chief or designee will make available various career development materials, including higher education options via Department e-mail, Department intranet and postings, which can be located in the patrol area.
   2. Employees may wish to refer to the department Guide to Develop and Implement an Individual Career Development.

IV. SPECIALIZED TRAINING (12.2.6.2)

A. Assignment to Specialty Duties
   1. Dependent on the type of specialty duty, officers will complete an orientation program designed by the police chief that provides performance expectations for the officer’s new duty.
   2. Specialized training programs consist of instruction for personnel assigned to new or specialized duty within the Department. In most cases this training must commence or be completed prior to an officer performing tasks for that specialty duty.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 02/06/2017
PURPOSE
The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for making an off-duty arrest and appropriate behavior for ensuring safety during off-duty enforcement actions.

POLICY
Out-of-uniform, off-duty officers may confront criminal activity to which they should take, or must decide whether to take, enforcement action. When engaged in off-duty enforcement of this type, non-uniformed officers risk being mistaken as criminal suspects by responding officers. The following protocols are intended to define when off-duty, non-uniformed enforcement action is authorized and how it should be conducted in order to reduce the potential of officer on-officer shootings and related injuries. This policy is also intended to limit unnecessary enforcement action by off-duty officers.

DEFINITIONS
- **Personally Involved**: An off-duty officer is deemed personally involved when assisting a family member or a friend who becomes engaged in a personal dispute or incident. This does not apply to situations where the police officer, family member, or friend is a crime victim.
- **Out-of-uniform/Non-Uniformed**: Officers wearing clothes commonly worn while off duty; also referred to as civilian attire or street clothes.
- **Challenging Officer**: An officer who confronts or challenges an individual believed to be a suspect without knowledge, or reasonable suspicion to believe, that the individual is a law enforcement officer; may also be referred to as the confronting officer.
- **Challenged Officer**: An out-of-uniform officer who is mistaken for a criminal suspect by another officer during an off-duty enforcement encounter; may also be referred to as the confronted officer.
- **Tentative Recognition Signal**: A departmentally approved sign or gesture used by an individual to indicate that he or she is a law enforcement officer.

I. LIMITATIONS ON OFF-DUTY ARRESTS
   A. Liability Protection
      a. Officers have liability protection for on- and off-duty performance of official duties. This protection does not extend to those actions that the police officer knows, or reasonably should know, are in conflict with law or established policies of the department.
b. Officers have police powers 24 hours a day throughout the jurisdiction. As such, officers may choose to carry departmentally authorized firearms when out of uniform in an off-duty status. However, when armed, sworn personnel shall carry their badge and credentials with them at all times.

B. Authorized Off-Duty Arrests
When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest when
a. there is an immediate need to prevent a serious crime, as defined by this department, or apprehend a suspect connected with a serious crime;
"b. the crime requires a full custodial arrest; and"
"c. the arresting officer is adequately prepared and equipped to handle the situation.

C. Prohibitions on Off-Duty Arrests
a. An off-duty officer who is out of uniform should not attempt to make an arrest or engage in other enforcement actions when the provisions of section I.B.a-c of this policy are not met or when there are other reasonably effective alternatives to affect an arrest.
"b. Off-duty arrests are prohibited when"
"i. the officer is personally involved in the incident underlying the arrest, unless an imminent threat to harm the officer or family.
"ii. a uniformed police officer is readily available to deal with the incident,
"iii. the officer is not in possession of proper departmental identification and an authorized departmental firearm, or a personal firearm the officer has qualified with or"
"iv. the reasonably perceived consequences and risks of responding outweigh the risks of not responding.
"c. When an officer is prohibited from taking off duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty uniformed personnel as soon as reasonably possible.

D. Out-of-Uniform Officer Recognition
Effective recognition is an essential component of ensuring safety for out-of-uniform officers during enforcement actions. As such, officers out of uniform shall do the following:
"d. Conspicuously display their badges and any other recognizable police clothing whenever it is necessary to be prominently identified. A jacket displaying the department’s badge, patch, or both should also be worn when readily available. Baseball caps with department insignia alone are not an authorized form of identification.
"e. When reasonably possible, direct departmental communications to inform responding uniformed personnel that a non-uniformed officer is responding and provide a description of the officer for relay to uniformed responders.

E. Challenging Officer
a. Officers shall use extreme caution when confronting persons in casual clothes who they suspect or who claim to be police officers. A position of advantage (cover) should be attained whenever reasonably possible prior to issuing a challenge.
"b. Officers shall challenge in a loud clear voice. The same challenge command shall be used in all situations for simplicity and uniformity.
"c. Officers receiving the tentative recognition signal authorized by the department from a confronted subject shall regard the signal only as an indication that they may be dealing with a law enforcement officer.
"d. Officers should exercise their judgment in determining whether to protect the identity of a recognized officer in street clothes by treating him or her as a suspect in the presence of others.
"e. Once the situation is controlled, the challenging officer shall request full identification from the challenged individual.

F. Challenged Officer
a. An officer or officers in uniform assume primary authority and control of any enforcement situation involving plain clothes officers until otherwise directed by a supervisor. Officers
shall obey the commands of the challenging officer, whether or not the officer is in uniform. This may include submission to the use of restraints or even arrest.

b. When directed by a challenging officer to raise their hands, to drop their firearm, or to take any other action, officers in street clothes shall immediately comply, regardless to whom they believe the command is addressed.

c. The challenged officer shall take no action, such as attempting to show identification, unless and until directed to do so. Instead, if and when circumstances permit, the officer shall announce the location of his or her identification and badge to the challenging officer.

d. Challenged officers shall announce in a loud voice that they are police officers and shall repeat this until it is reasonable to believe that it is heard by the challenging officer.

e. Challenged officers shall scrupulously avoid the common tendency to turn toward the voice of the challenging officer, as it has been identified as a primary cause of death or serious injury in police-on-police shootings.

f. When challenged by an officer who is not in uniform, the challenged member should use his or her own judgment as to whether the tentative recognition signal should be used.

g. Officers should ask the challenging officer to repeat any directions or questions that are unclear and should never argue with the challenger or show resistance.

h. Challenged officers shall warn challenging officers of hazardous or potentially dangerous circumstances.

G. Notifications

- Officers engaged in joint arrest or similar enforcement operations with other police agencies shall adopt common identification procedures in clothing, tentative recognition signals, and related matters. Officers shall notify participating agency communications units prior to conducting such enforcement operations if doing so would not compromise the operation.

Chief of Police
Shane Collins
POLICY & PROCEDURE
HOLMEN POLICE DEPARTMENT

SUBJECT: EXPANDER OF JURISDICTION  NUMBER: 8.2
SCOPE: All Sworn Personnel  ISSUED: 01-23-17
DISTRIBUTION: Policy & Procedure Manual  REVIEW: 06/22/20
REFERENCE: WI §175.40 and §66.0313  WILEAG 4th EDITION
STANDARDS: 1.6.1, 1.6.2

INDEX AS:  Agency Jurisdiction
           Geographic Boundaries of the Agency
           Expander of Jurisdiction
           Concurrent Jurisdiction
           Mutual Aid

PURPOSE: The purpose of this Policy and Procedure is to define agency jurisdiction, expander of jurisdiction, and mutual aid in relation to arrest authority; and set guidelines as to when an officer may assist other law enforcement agencies. Officers of the Holmen Police Department should use appropriate discretion when considering calls for assistance.

This Policy and Procedure consists of the following numbered sections:
   I. POLICY
   II. DEFINITIONS
   III. GEOGRAPHICAL JURISDICTION
   IV. EXPANDER OF JURISDICTION
   V. MUTUAL AID

I. POLICY

A. It is the policy of the Holmen Police Department that on-duty police officers shall only take official law enforcement action when they are within their jurisdictional boundaries, are acting in accordance with the provisions of Wisconsin’s fresh pursuit statutes, or acting on an official Mutual Aid request.
   1. Officers for the Village of Holmen are subject to the procedures included in any written agreements with other agencies pertaining to mutual aid.
II. DEFINITIONS

**EMERGENCY:** Unless otherwise defined by statute, an emergency is any situation in which property or human life is in jeopardy and the assistance of law enforcement is necessary.

**HIGHWAY:** Has the meaning specified in s. 340.01 (22)

**INTERSECTION:** Has the meaning specified in s. 340.01 (25).

**LAW ENFORCEMENT AGENCY:** Has the meaning specified in 165.83 (1) (b).

**LAW ENFORCEMENT OFFICER:** Has the meaning specified in s. 165.85 (2) (c).

**MUTUAL ASSISTANCE:** Has the meaning specified in 66.0313 (2).

**PEACE OFFICER:** Has the meaning specified in s. 939.22 (22), but does not include a commission warden, as defined in s. 939.22 (5). "Peace officer" includes any tribal law enforcement officer who is empowered to act under s. 165.92 (2) (a).

III. GEOGRAPHICAL JURISDICTION (1.6.1.1)

A. Officers of the Holmen Police Department are authorized to exercise police powers and perform duties in all areas within the corporate village limits of Holmen, in La Crosse County, Wisconsin.

B. Officers must keep in mind that the geographic limits of the Village of Holmen may change periodically and officers are responsible for keeping abreast of such changes as the department is notified and adjusting their patrol activities to accommodate annexations adjoining their assigned patrol areas.

C. WI §175.40(4) states, "a peace officer whose boundary is a highway may enforce any law or ordinance that he or she is otherwise authorized to enforce by arrest or issuance of a citation on the entire width of such highway and on the entire intersection of such a highway and a highway located in an adjacent jurisdiction".

D. WI §175.40(6), being adopted herein, gives authority to a peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in the State if the following criteria are met:
   1. The officer is on duty and on official business.
   2. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.
3. The 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.
   b. Acts that an officer believes, on reasonable grounds, constitute a felony.
4. An officer acting under this authority must immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the other jurisdiction. The police chief and/or lieutenant of the Holmen Police Department shall be notified by the quickest means and as soon as the circumstances allow for notification to be made safely of said activity.

E. Notification for follow-up investigations
1. As soon as possible, officers of the Village of Holmen should notify the appropriate law enforcement agency having territorial jurisdiction that the Holmen officer will be conducting official business in that jurisdiction.
2. Officers should notify the appropriate law enforcement agency having jurisdiction when they have completed their business and will be leaving that agency’s jurisdiction.

F. Concurrent Jurisdiction
1. The Holmen Police Department will serve as the primary responding agency for all requests for police service within the village received either by village personnel or the communication center.
2. The department exercises exclusive law enforcement jurisdiction over enforcement of Village of Holmen Code of Ordinances.
3. The department does share concurrent jurisdiction over certain offenses and/or incidents with various law enforcement agencies at the county, state, and federal level. These include but are not limited to:
   a. La Crosse County Sheriff’s Departments
   b. Wisconsin State Patrol
   c. Wisconsin Division of Criminal Investigation
   d. Various federal law enforcement agencies
4. If any concurrent agency (law, human services, etc.) requests an officer to provide assistance, the officer should comply with the request, and should continue to provide assistance until relieved.
5. Interaction with other agencies sharing concurrent jurisdiction with the department shall generally revolve around working in conjunction with such agencies on matters of mutual concern or relinquishing responsibility for certain situations based on a case by case evaluation of the circumstances. Examples might include an offer by the Wisconsin State Patrol to investigate a major traffic accident or the investigation of a major narcotics situation by the MEG unit.
6. Nothing in this Subsection should be construed to limit the supervisory authority of the Chief of Police, or his/her designee.

IV. EXPANDER OF JURISDICTION (1.6.1.2)(1.6.1.3)

A. WI §175.40(6m), or Expander of Jurisdiction is adopted herein and gives authority to an off duty peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in this State if all of the following criteria are met:
1. The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm, and
2. The officer is taking action that he or she would be authorized to take under the same circumstances in the officer’s territorial jurisdiction.
3. An officer electing to take action under this section shall, consistent with the exigencies of the situation and the equipment and resources available to him or her, attempt to weigh reasonable responses to the situation including maintaining cover and observation, contacting the local law enforcement agency or asking others to do so, and directly intervening in the incident. In addition, the officer shall verbally identify himself as a police officer to both responding officers of the local jurisdiction as well as to bystanders. Officers shall comply with the directions given by the responding officers of the local jurisdiction.
4. Any officer acting under the authority of this section shall immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken within said jurisdiction. In addition, the officer shall notify the Village of Holmen police chief or Lieutenant as soon as possible and apprise him/her of the action taken by the officer while off duty and within another jurisdiction.

V. MUTUAL AID

A. Responding to requests for Mutual Aid
1. In accordance with WI §66.0313 officers may act upon official requests for assistance from other law enforcement agencies under the following conditions:
a. The mutual aid request is made by a superior or officer in charge of the requesting law enforcement agency.

b. Any law enforcement officer is requesting immediate assistance for situations involving the threat to human life or serious bodily harm.

2. Officers should continue rendering assistance until such time as the officer is released by the agency requesting assistance, or released by a ranking officer of the Holmen Police Department.

3. Mutual aid requests from agencies outside of La Crosse County shall be made via a media where an official copy of the request may be retained.

4. A full report of the incident generating the request for assistance should be made as soon as practical. This report should include details of the call and by whom the request was made.

B. Requesting Mutual Aid from other Law Enforcement Agencies.

1. Officers may request assistance from other law enforcement agencies in accordance with applicable state law. Generally these requests shall only be made under the following circumstances:
   a. The Department does not have adequate resources available to address an emergency situation.
   b. Call volume
   c. The Department lacks the expertise needed to conduct an investigation or respond to specific incident, such as an explosive device.

2. Requests for mutual aid from an agency outside of La Crosse County shall be made via media where an official copy of the request may be retained. The police chief or lieutenant shall be notified of any out of County requests for assistance.

3. Requests for mutual aid will be documented in the incident report.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 01-23-17
I. PURPOSE
This order describes the Reserve Unit personnel and its sections.

II. POLICY
It is our policy to provide a method for volunteer Unit members to assist with police work, community service and to utilize members as a resource in emergencies, special events, and related assignments.

II. PROCEDURE

- GENERAL

1. The Unit is required to maintain not-for-profit/non-profit status.
2. The Chief has sole authority for recognition and/or termination of the Unit or its parts.
3. The Unit shall not discriminate against because of race, sex, or ethnic origin.
4. Applicants must be a minimum of 18 years old.
5. Applicants must complete an application, pass a background check, and pass an oral interview conducted by the liaison(s) and/or unit board.
   Additional requirements may be imposed as approved by the police liaison(s).
6. General Section – composed of general membership, the police liaison(s) is appointed by the Chief of Police or Lieutenant.
   a. Each Section may be composed of a board that is elected or appointed through each Section's operational rules as approved by the police liaison(s).
7. General Reserve Duties. Reserve Personnel duties are limited in nature and may include duties such as Traffic Direction and Control, Crossing Guard, and Telephonic reporting.(2.8.1.2)
8. Reserve Personnel will be under the direction and control of the Reserve Unit Liaison(s). In the absence of the Unit Liaison, Reserve Personnel will follow the direction of the on-duty shift commander.
9. General Reserve Authority
   a. Reserves do not possess sworn status. (2.8.1.1)
   b. Reserves shall wear a uniform or other identifiable attire as approved by their section police liaison(s). Uniforms, if worn, clearly distinguish auxiliary personnel from sworn officers. No part of the uniform shall be worn/utilized other than during or while in route to/from a Department authorized function.(2.8.1.3)
   c. Misuse/misrepresentation or other misconduct will result in discipline or discharge.
   d. Reserves have no authority when not in uniform and acting outside of a department.
authorized function.

10. General Reserve Responsibility
   a. Reserves may be assigned to assist in non-sworn incidents or as approved by a police liaison(s).
   b. Reserves shall act professionally.

11. Those seeking to use the services of the Unit shall be referred to police liaisons.

12. This order adopts the Unit’s constitution, bylaws and related regulations.

- **LIABILITY PROTECTION**

  Reserve Unit personnel are defined as “auxiliary personnel” civilians affiliated with the Department acting in a non-sworn capacity and as such are indemnified when acting under the authority of the Department in accordance with this policy. (2.8.1.1)(2.8.1.5)

- **TRAINING**

  1. Reserve Personnel will be trained in those duties that they are authorized and assigned to provide, such as but not limited to: Traffic Direction, Reporting, and Crossing Guard Duty. (2.8.1.4)
  2. Applicants are encouraged to attend a Citizen’s Police Academy prior to or during their first year of Unit involvement.
  3. Police liaisons are responsible for Unit/Section training.
  4. New Reserves will be assigned to a senior member for initial training.
I. Purpose

The Purpose of this policy is to establish the guidelines for the hiring process for the Holmen Police Reserves.

II. Method

a. Applicants will return a completed application to the Holmen Police Department. Applications are available to the public at the Police Department.

b. The Commanding Officer(s) will conduct an initial background investigation of the applicant which will include a check of NCIC, CIB, driving record or other sources that would indicate whether or not the applicant would be suited for a position in the Holmen Police Reserves.

c. The Commanding Officer(s) will notify the applicant if he/she will be asked to interview before the Executive Board.

d. The panel will consist of the following members (at least 2 are needed to conduct the interview):
   - Chief of Police
   - Lieutenant
   - Training Officer(s)
e. A standard set of questions will be asked to the applicant. Each member of the panel will rate the answer to the question on a scale of one to five (five being the highest). All questions/answers are to remain confidential.

f. At the end of the interview, the totals will be compiled and recorded. The interview scores are then averaged. One bonus point each may be awarded for: timeliness, appearance and demeanor. One point may also be deducted for the same: being late (one point for each minute), sloppy appearance and poor demeanor.

g. Immediately before or after the interview the applicant will take a written test. The total written score is added to the interview score.

h. After satisfactory completing the interview process a more thorough background investigation will be completed. This may include contacting current/past employers and references.

i. Applicants may be required to pass a drug test prior to membership approval. If so, this test will be paid for by the Holmen Police Reserves.

j. If the applicant passes the hiring process, the Commanding Officer(s) will inform the new probationary officer of when and where to report to the Holmen Police Department for the issue of equipment and training.

k. New members are NOT required to pay any deposit for equipment they are issued. If a member is asked to return ANY or ALL of the property they were issued, they will have (10) TEN days from that notification to return said property. Failure to return any property within (10) TEN days will result in the following actions being taken:

   -After (10) Ten Days - An ordinance citation will be issued for THEFT and restitution for missing item(s) will be sought through the Coulee Region Municipal Court.

Approval:
HOLMEN POLICE RESERVE POLICY

TITLE: Probationary Membership
ISSUE DATE: September 7, 2016
LAST UPDATE: September 7, 2016

I. Purpose
The Purpose of this policy is to establish the guidelines for probationary members of the Holmen Police Reserves.

II. General Time/Monthly Requirements
a. The minimum requirement is to attend monthly meetings and at least one event every 6 months. Exceptions to this can be made only by the Reserve Commander based upon certain circumstances. If a Reserve Officer is unable to make a meeting notification must be given to the Commanding Officer or other designated supervisor. Exceptions will be granted only by the Commanding Officer(s) on a case by case basis.

b. A reasonable effort should be made to attend both meetings and events. These include:
   ➢ All monthly meetings and training
   ➢ All special meetings
   ➢ School activities

c. The following activities will be credited towards the above mentioned requirements.
   ➢ Parades
   ➢ Civic events
   ➢ Visual radar/speed board
   ➢ Any other special event approved by the Commanding Officer(s)
d. All emergency assigned duties always count towards a monthly meeting.

III. New hires

a. The new officer will report to the Commanding Officer(s) to have his/her picture taken.

b. All members are expected to know the Policies and Procedures and the Training Manual. Although it is not expected that new members memorize the contents, every effort should be made to have a good understanding.

c. All new members will receive an orientation by the Holmen Police Reserve Commander(s). Issuance of equipment will also take place at such time.

d. New probationary officers will be told when their first meeting is. They will also be introduced to the membership at that meeting.

e. The Training Officer will be responsible for giving instruction on how to wear the uniform and equipment.

f. The new probationary officer will be placed into a squad and assigned a Training Officer. The Commanding Officer(s) will make this assignment.

g. All new reserve officers shall be on probation status for 6 (SIX) months. The six month period will commence on the date they are officially notified of their acceptance into the Holmen Police Reserves.

h. At the completion of the six months the Training Officer(s) and Commanding Officer(s) will review the training and progress of the reserve in a status interview.

i. Prior to becoming a full member, each probationary officer will complete the required “basic training”, established by the Commanding Officer(s) and the Training Officer(s) as outlined in the Training Manual.

j. During the first three months, the probationary officer will not work alone unless approved by the Commanding Officer or Chief of Police.

k. The first three months in the reserve officers membership is primarily a time of observation and training. The probationary officer is not allowed to operate any village squads and the use of the radios is limited to more senior members,
unless the use of the radio is necessary for the safe execution of the reserve officer’s duties (see radio policy for further details).

IV. After three months but less than six months
a. Probationary officers will be allowed to operate the squad cars after they have received the squad car training.
b. Probationary officers will be allowed to operate the visual speed board after they have received the training.

V. After six months
Once a probationary officer reaches the six month mark in their membership with the reserve unit, they are granted full membership and given access to the following activities.

1. Eligibility for the “Ride Along”, program once the following have been met.
   ➢ Completed the required amount of hours during the previous 3 (three) months.
   ➢ Completed 4 (four) hours of ride along time with the Commanding Officer, Chief of Police, or his designee.
   ➢ If the reserve officer is not promoted to regular membership after the sixth month, the decision to be allowed to participate in this program will be made by the Commanding Officer(s).

2. Allowed to carry Oleoresin Capsicum (OC spray) after training
3. Allowed to carry handcuffs after training

c. Reserve Officers will be eligible for special details deemed by the Commanding Officer(s).

VI. General Guidelines
a. No probationary officer shall be eligible for the Executive Board
b. No probationary officer will be allowed to carry a radio walk unit until they have been trained during orientation (see radio policy for further details).
c. No probationary officer shall work an event alone (prior to three months of service), without the permission of the Commanding Officer(s).

Approval:

________________________________________  ________________________
Chief Shane Collins                        Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Miscellaneous Policies

ISSUE DATE: July 1, 2013

LAST UPDATE: July 1, 2013

I. Purpose

The Purpose of this policy is to provide miscellaneous guidelines regarding the Holmen Police Reserves.

II. Policy

a. Police Department Property. Whenever any police department property comes into possession, custody or control of any reserve officer, they will be considered responsible for that property.

b. Loss, Damage or Unserviceable: Whenever any police department property is lost, damaged or unserviceable while in the reserve officer’s possession, the reserve officer will report the situation immediately to the Commanding Officer(s) on duty, or Training Officer(s).

c. Police Department. Reserve Officers are not allowed in the Police Department alone without a Holmen Police Department Officer present.

d. Door Combination. The only people that will have the Police Department door combination will be Holmen Police Officers and the secretary. This door code will not be issued to Reserve Officers. If you need assistance at the police department call the Officer on duty or use the outdoor call box next to the main entrance.

e. Citizen Requesting Information: All reserve Officers will respectfully and accurately provide any citizen their name and badge number upon request.

f. Time sheets: When a reserve officer reports for duty, they shall sign in on the time sheet and list the following:

   ➢ Radio Number
- Flashlight (last four digits of serial number)
- Body armor number
- Squad Number & Key Number's

g. **Ride along log sheet**: Any reserve officers who rides with a sworn officer will sign in on the ride along log sheet and **NOT** the time sheets. This log is also on the three ring binder.

h. **Leave of absence**: If a reserve officer finds that they will be unable to attend the monthly meeting and fulfill requirements because of a serious illness, because they will be out of Village for an extended period of time or because of military requirements, they may be granted a leave of absence by the Commanding Officer(s). The leave of absence will be for a period of up to thirty (30) days. The Executive Board may grant additional time upon a special written request for extenuating circumstances. The reserve officer requesting the leave of absence may be required by the Commanding Officer(s) to turn in their uniform and equipment during this time.

i. **Tobacco use**: Smoking is not permitted in any Village building or vehicle (The use of tobacco products is also prohibited on all Holmen School properties).

j. **Testifying in court**: Any reserve officer, who was involved in a situation that is brought to trial, may be summoned to appear in court. They may also be requested by a sworn officer involved in the situation to appear as a witness. When any reserve is requested to testify in court, they will be expected to be in full uniform, looking clean, sharp and professional. The reserve officer will also be expected to study thoroughly all notes and reports on the incident prior to the trial. The situation should be discussed with the arresting officer prior to the hearing. The time in court shall be counted toward the required monthly hours.

k. **Driver’s license**: Any reserve officer whose driver’s license becomes revoked or suspended for any reason must notify the Commanding Officer(s) of this status immediately. Reserve Officers may not operate Village owned vehicles without a valid driver’s license.
I. **Workers Compensation Insurance:** The Village of Holmen carries workers compensation insurance on the members of the Holmen Police Reserves. If you are injured while on duty as a reserve, a police supervisor must be notified immediately and you must file an injury report within 24 hours from the time of injury. Contact the Commanding Officer(s) for assistance in filling out this report.

m. **Amendments:** The policies and procedures may be repealed by order of the Chief of Police or the Village of Holmen Board. Any policy or procedure may be recommended to be replaced or amended. It shall then go to the Police Chief for approval. If it is approved, the changes shall be typed, copied and given to every reserve officer to be included in this manual.

n. **Mandatory Reporting:** If you are arrested for any criminal act, you MUST report the incident to the Chief of Police or the Commanding Officer. You may be placed on administrative leave until the incident is resolved in court. This is done by the discretion of the Chief of Police

Approval:

_______________________________________  __________________________
Chief Shane Collins  Date:
I. Purpose
The Purpose of this policy is to establish the guidelines for the Executive Board within the Holmen Police Reserves.

II. Policy
It is the policy of the Holmen Police Reserves, that an Executive Board consisting of the Commanding Officer(s) and Training Officer(s), conduct hiring’s, terminations, disciplinary procedures, award procedures, running of the monthly meetings and any other activity that the Executive Board deems necessary.

III. Requirements for Board Members
a. Only officers with full membership will be eligible for appointment to the board.
b. Board members shall be chosen through an interview process with the Commanding Officer(s) based on their dependability and leadership abilities.
c. The board shall meet monthly prior to the general membership meeting to discuss any administrative concerns. These meeting are confidential and not to be discussed with the general membership.
d. Any vacancies on the Executive Board will be filled promptly by appointment of the Commanding Officer(s) provided membership allows for this.
e. Holmen police department Command Staff reserve the right to make direct appointment to the Reserve Board.
f. Holmen Police Reserves Board reserves the right to authorize expenditures under $1000.00. The Board shall freely share all members with details of any outgoing funds.
IV. Positions of the Board

a. **Commanding Officer(s) (sworn):** Will be responsible for appointing all members of the Executive Board. The Commanding Officer(s) will have the authority to enforce any of the disciplinary actions set forth in these policies. He/She will have the authority to accept and dismiss any applicant or reserve officer. He/She will be responsible for conducting background checks on applicants and managing Reserve Unit accounts.

b. **The Unit Commander/Deputy Commander:** Preside at all regular meetings of the Holmen Police Reserves and at all special meeting of the Executive Board. The Unit Commander/Deputy Commander will have the authority to remove any member of the Executive Board he/she feels is not doing a good job or has not met the service requirements. The Unit Commander/Deputy Commander will work closely with the Lieutenant, Chief of Police and HPD Administration and will relay any directive, orders and changes of procedures to the membership. They are also responsible for the monthly schedule and billing.

c. **Squad Sergeants:** Each officer will be assigned to a squad. Each squad will have one Squad Sergeant who will be appointed by the Commanding Officer(s). The Squad Sergeants will call their squad members each month and remind them of the monthly meeting and training sessions. They will responsible to inform their members of any schedule changes. In the event of a full unit call out or emergency, the various squad sergeants will take charge of their squads. The Squad Sergeant will also notify members of their squad about activities. The Squad Sergeants will be issued Sergeant Collar brass. The collar brass is to be worn at all times when in uniform. The only exception to this is when the Reserve Sergeant is riding with a sworn officer.
During the “Ride Along”, the Reserve Sergeant will remove the sergeants stripes from his/her collar and replace them with the collar brass of the regular reserve officer.

d. **Training Officer:** Will be responsible for all the training within the Holmen Police Reserves. He/she will be responsible for training activities at each monthly meeting as well as the “Basic Training” and the monitoring of all new Probationary Officers. The Training Officer will be responsible for developing and maintaining training records for each reserve officer.

e. **Treasurer:** This function will be performed by the Commanding Sergeant or Commanding Officer.

f. **Secretary:** This function will be performed by the Unit Commander or Deputy Commander.

g. **Quartermaster:** This function will be performed by the Unit Commander or Deputy Commander.

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Approval:

_______________________________________  ________________________
Chief Shane Collins  Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Meetings
ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
The Purpose of this policy is to make known the monthly meeting of the Holmen Police Reserves.

1. Monthly meetings and training sessions will be held on the first Wednesday evening of each month at 6:00 p.m. at the Holmen Police Department located at 119 Wall Street W., Holmen, WI. It is **MANDATORY** that all reserve officers attend the monthly meetings. All reserve officers are expected to be punctual.

   a. **Excused absence:** If any reserve officer is unable to attend the monthly meeting and or training session, they must obtain **PRIOR** authorization (excused absence) from their Squad Sergeant or Commanding Officer. Excused absences will be granted for those who are ill and those who must be out of Village to the point of being impossible to attend (business trips, family emergencies, vacation, etc…). Excuses such as "being too busy", will not be valid for an excused absence.

   b. **Unexcused absence:** Any reserve officer, who is not present at a monthly meeting without prior excused absence, will be considered absent without leave. The first unexcused absence will begin the disciplinary procedure.

   c. **Quorum:** A quorum of 25% of the membership must be in attendance to transact business at any regular or special meeting of the Holmen Police Reserves.

   d. The wearing of the uniform is **NOT required** for the monthly meeting unless notified.
Meetings Continued…

Approval:

_______________________________________  __________________________
Chief Shane Collins

Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Discipline

ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
The Purpose of this policy is to explain to the reserve officer, various adverse actions that are subject to disciplinary actions.

II. Policy
It is the policy of the Holmen Police Reserves to initiate disciplinary proceedings for any of the adverse actions listed below. Further reference may be read in the “Disciplinary Actions Policy”, in this manual.

III. Adverse Actions
Listed below are actions that may start disciplinary actions against a reserve member. Any action by a reserve member that is NOT listed in this policy but deemed inappropriate by the Commanding Officer(s), or the Executive Board may also be subject to disciplinary action.

a. Unauthorized equipment (read equipment policy)

b. Equipment use for private purposes: Reserve officers will not use any police department or police reserve property for private purposes. Failure to comply will constitute immediate disciplinary action and or dismissal.

c. Use of badges or ID off duty: Badges and/or ID are not to be carried or worn when off duty.

d. Failure to report for duty: Any reserve officer, who accepts any assignment of duty, will be at the assigned place at the assigned time. If a reserve officer is unable to report for a duty assignment, they MUST FIND THEIR OWN REPLACEMENT. If no replacement can be found, the Squad Sergeant and or
the Commanding Officer(s) must be notified immediately. Any reserve officer who fails to report for duty without proper notice or replacement will be subject to proper disciplinary action.

e. **Remaining at post:** When a reserve officer is assigned to a specific duty post, they will remain at that post until the activity has ended or until relieved by another officer or until dismissed by the ranking reserve officer or sworn officer.

f. **No reserve officer is allowed within any area of the police department unless there is an event or with a sworn Officer**

g. **Falsification of reports:** Any reserve officer, who makes a false report, whether written or verbal, of criminal activities, accidents, emergencies or incidents of misconduct by another reserve officer or sworn officer, will be dismissed immediately from the Holmen Police Reserves. Every reserve should keep in mind that they could also be brought up on criminal charges and or open to civil suit for committing any of these offenses.

h. **Defamation remarks:** No reserve officer shall for any reason make comments defamatory or derogatory toward any other reserve officer, sworn officer, or police agency, in any public or private establishment or while riding in a squad car. Any reserve officer violating this policy will receive proper disciplinary action. Every reserve officer should also keep in mind that violating this policy could open him/her to a civil suit for defamation of character. Any reserve officer hearing such remarks will fill out a written report and deliver it to the Commanding Officer(s) within five days of the incident.

i. **Controversial conversation:** All reserve officers will refrain from engaging in conversation of a controversial nature while on duty. All officers should work together as a team and strive for unit and mutual cooperation in all relationships and duties.

j. **Use of alcoholic beverages:** No police reserve officer shall consume any type or amount of alcoholic beverage prior to, while on duty, or while in uniform. No reserve officer will consume any amount of alcoholic beverage within eight (8) hours of beginning a tour of duty. Reserve officers MUST submit to a PBT if
requested to do so by a Commanding Officer(s) or sworn personnel. Refusal to do so will result in immediate dismissal.

k. **Purchase or transport of alcoholic beverages:** No reserve officer shall purchase or transport any type of alcoholic beverage while on duty or while in uniform, unless the alcoholic beverage is properly identified as use of evidence or has recently been confiscated legally and is being transported at the request of a sworn officer.

l. **Statement to news media:** No police reserve officer is to make any statement or provide any information to the news media regarding police matters or reserve activities, without prior approval by the Chief of Police. If a member of the news media contacts a reserve officer, they shall be referred to a sworn officer.

m. **Disobedience of orders:** Any reserve officer who disobeys a direct order of any superior reserve officer or sworn officer may be charged with “disobedience of a direct order” and may be subject to disciplinary action.

n. **Attitude:** A courteous and professional attitude will be expected of all reserve officers. The reserve officer must be able to keep an even temper, be patient and remain calm in stressful situations. The reserve officer, when working with a sworn officer, should always maintain an attitude of “being there to learn and assist”. The sworn officer is **ALWAYS in charge.**

o. **Failure to meet monthly requirement:** When a reserve officer fails to meet the monthly requirement and has not received a prior exemption from the Commanding Officer(s), they will be in violation of the Holmen Police Reserve Policy. Proper disciplinary action will be taken. It could result in dismissal.

p. **Horseplay:** NO horseplay between reserve officers or between Reserve Officers and citizens will be tolerated. Reserve officers are professionals and will conduct themselves as such at all times.

q. **Conduct unbecoming an officer:** Any reserve officer who has been found guilty by the Holmen Police Reserve Command Staff of conduct unbecoming an officer may be subject to dismissal, suspension or other appropriate disciplinary action, to include criminal and or civil charges if applicable.
Approval:

_______________________________________  __________________________
Chief Shane Collins                  Date:
HOLMEN POLICE RESERVE POLICY

TITTLE: Disciplinary Actions

ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose

The Purpose of this policy is to establish the guidelines for the proper procedures for disciplinary actions of any reserve officer.

II. Method

   a. Violations of any rule or policy of the Holmen Police Reserves or the Holmen Police Department shall subject the reserve officer to immediate suspension or termination by the Holmen Police Reserves Command Staff.

   b. Any reserve officer who has been arrested or convicted of a felony, misdemeanor or other offense, shall be subject to dismissal, suspension or other appropriate disciplinary action. The reserve Officer shall notify the Commanding Officer or Chief of Police of such incident. Any reserve officer who is suspended shall be required to immediately turn in all uniforms and equipment issued to him/her until at which time the member is reinstated.

   c. Conduct Unbecoming an Officer: Any reserve member guilty of conduct unbecoming an officer will be subject to dismissal, suspension or other appropriate disciplinary action.

III. Complaints/Grievance between reserve members

   a. All members are encouraged to work together as a team. If you are not able to, then the matter must be brought to the attention of the Holmen Police Reserve Command Staff.

   b. All reserve officers are required to report any police violation or legal violation to the Holmen Police Reserve Command Staff.
IV. Appeals
   a. The decision of the Holmen Police Reserve Command disciplinary panel is final. No appeals will be accepted.

Approval:

_______________________________________  ______________________
Chief Shane Collins                     Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Duty Assignments

ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
The Purpose of this policy is to give the reserve officer a guideline of the duty assignments for a majority of the locations that the Holmen Police Reserves are commonly assigned to.

II. Method
Generally, the reserve unit is asked to be present at school and community events, for both physical safety in case of an emergency and to discourage and/or deal with unruly fans at a sporting event or patrons at a community activity. It promotes prevention. Keep in mind if there are three or more reserves at an event, it is preferred that everybody doesn't congregate in one place. It looks to overbearing. One officer may stand by the event while the other two officers patrol. If there are four reserves, two may stand at the event while the other two patrol. If there is only one officer at an event, the officer should divide his/her time between the event and parking areas.

III. Common locations
   a. Locations: There are various locations where your assignments may take place. These locations include, but are not limited to, schools, special events and other public or private places.

IV. What are you looking for?
   a. In general, if somebody is doing something illegal or is creating a disturbance, you may call a sworn officer. If you feel comfortable in trying to diffuse the
situation, do so. An officer should be called regardless as a crime may have been committed that you are not familiar with.

b. If it may be potentially violent or boisterous situation, you will call a sworn officer.

c. If people are observed doing something illegal, you may verbally detain that person or persons and call a sworn officer (refer to handcuff policy). If they resist, actively physically detaining somebody without the presence of a sworn officer is **NOT ALLOWED, UNLESS** required to protect the public or the reserve officer. If they flee, follow on foot at a safe distance and report to dispatch the pursuit location (refer to Radio Operations policy and Training manual. Example: DO NOT USE 10-80).

d. Smoking or the use of tobacco products on school district grounds, athletic fields or buildings is prohibited.

e. **Back-up:** Whenever a reserve officer feels that a situation is or could be out of control, a sworn officer shall be called. Never try to handle a questionable situation alone. A sworn officer will also be called immediately upon the request of any teacher or school official. The reserve officer calling for backup will notify the dispatch center directly using radio channel No. 1 (Sheriff 1).

f. **Appearance at activities:** All reserve officers working at school functions or any duty will maintain good posture at all times. All reserve officers are expected to look sharp, alert and professional. No reserve officer will lean against walls, stand with hands in pants pockets or smoke in public while working any assigned duty post. Refer to Uniform policy.

g. **Traffic direction:** The reserve officers will be responsible for directing and clearing out the traffic at events or functions, if it is needed. Reflective vests are mandatory for these types of details.

h. **Squad car:** The reserve officers will not use equipment such as: radar, computer, lethal or less lethal firearms, AED, spike strips, or any device that they are not properly trained on by a training officer with the Holmen Police Department. In critical circumstances a reserve officer may be directed by a Holmen Officer to use the squad firearm to protect the officer’s life or public if
officer is in need of assistance. This is a last resort effort that requires the saving of life. Any other equipment used will be under the directions of a Holmen Officers for emergency purposes only.

Approval:

_______________________________________  __________________________
Chief Shane Collins                         Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Coffee/Lunch/Dinner Breaks

ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
The purpose of this policy is to establish guidelines for when and in what manner the reserve officer is to take a break while on duty.

II. Method
To accomplish this goal, the following is set down and is to be followed by reserve officers.

a. Reserves on foot patrol will be allowed to take breaks in the local restaurant of their choice.

b. Breaks will not exceed 30 minutes in length and no more than one will be allowed during a tour of duty. This 30 minute break applies when a shift of eight hours is worked.

c. UNDER NO CIRCUMSTANCES, will any reserve officer accept free food, drink or reduced-priced food or drink from any local restaurant owner or employee. This applies while on duty in uniform and off duty when the food or drink is offered because you are a member of the Holmen Police Reserves. Accepting ANY gratuity may result in immediate dismissal or other disciplinary actions.

d. Prior to going on break, the reserve officer will notify dispatch that they are ON BREAK 10-7 (out of service) and they will give the location where they are. After the break has ended the reserve officer will tell dispatch they are 10-8 (in-service).

e. Reserve officers may be called off their break as is necessary for service.

f. Reserves may consume food and drink at events they are working if they are working less than eight hours. These breaks should be kept to a few minutes in length and then the reserve should resume his/her patrol duties.
HOLMEN POLICE RESERVE POLICY

TITLE: Equipment
ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
The purpose of this policy is to explain the authorized and non-authorized equipment items for the Holmen Police Reserves.

II. Policy
Any deviation from the policy set forth here is grounds for disciplinary action or dismissal. The Commanding Officer(s) shall determine if the equipment policy has been violated.
III. Authorized Equipment

The following items are authorized for wear and or use for the Holmen Police Reserves in the performance of their duties.

a. Issued Equipment

- Duty belt and belt keepers
- **Medical gloves and case:** All reserve officers are required to carry medical gloves while on duty. They are to be carried in your pocket or may be carried in a pouch on your duty belt. Gloves may be latex or latex free. Please keep in mind some individuals are allergic to latex.
- **Handcuffs and case:** Reserve officers may carry handcuffs ONLY after training and approval of the Commanding Officer(s). Any violation or misuse could be cause for immediate denial of the reserve officer’s privilege to carry handcuffs and subject the reserve officer to disciplinary action and criminal charges.
- **Oleoresin Capsicum (OC) spray and case:** Reserve officers may carry OC spray ONLY after training and the approval of the Commanding Officer(s). Only OC spray provided by the reserve unit may be carried. OC spray may only be used for self-defense. Failure to comply with this policy could result in immediate disciplinary action and may result in immediate dismissal from the Holmen Police Reserves and criminal charges.
- **Whistle and Lanyard:** Whistle and lanyard may be worn as stated in the Uniform Policy. The whistle is to be used for traffic control and direction. One long blast (about one second) means stop and two short blasts (1/2 seconds each) means go. This will be covered in detail in the Traffic Control Procedures.
- Traffic Vest
- **Badges:** One badge may be issued if available. They will **NOT** be worn or carried at any other time than on your uniform while on duty and to and from your house to the Holmen Police Department.
b. Non-Issued Equipment

- **Notebook**: Every reserve officer should carry a notebook. It is recommended that a reserve officer use it to record contact names, license plate numbers, vehicle descriptions and other pertinent information.

- **Police radios**: Pursuant to the Police Radio Policy

- **Small knife**: Reserve officers may carry on their duty belt a small knife providing that the blade is single sided and no longer than three inches in length. It will be kept in a holder in the same manner as a pager. The knife must be inspected and authorized by the Commanding Officer(s).

- A second set of handcuffs may be worn on the duty belt if they are approved for wear. The decision will be made by the Commanding Officer(s). The reserve officer will furnish his/her own set.

- A reserve officer may carry his/her personal flashlight if the Commanding Officer(s) give prior approval. Excessive large flashlights will not be allowed.

- All other items carried on the duty belt will be worn with the approval of the Commanding Officer(s).

- The Holmen Police Department, Holmen Police Reserves, the Village of Holmen, reserves the right to deny any claim for damage or loss to a reserve officer’s personal equipment.

## IV. Non-Authorized Equipment

No reserve officer shall be authorized to carry the following equipment.

a. **Firearms**: Firearms will only be authorized for use on the shooting range and when issued to a reserve officer by the Chief of Police. Reserve officers that are sworn by another department are prohibited from carrying firearms when working as a Holmen Police Reserve Officer. No holsters are permitted as well.

b. **Baton**: Any object designed to be used as a striking instrument.

c. **Large Knives**: Blade over three inches
HOLMEN POLICE RESERVE POLICY

TITTLE: Use of Department Cellular Phone

ISSUE DATE: September 7, 2016

LAST UPDATE: September 7, 2016

I. Purpose
Cellular phones in law enforcement have become more important in daily police business. This applies not only for the administration, but also for line personnel. These phones can be of great value and use by line personnel in their everyday duties. Like most other things, limits must be placed on the use of these instruments. The purpose of this policy is to set forth guidelines for the proper use of cell phones.

II. Restrictions
a. No personal calls at any time.

b. Reserve officers shall not make long distance calls unless authorized.
c. Reserves officers use of the cellular phone shall be limited to those times when he/she needs to contact a supervisor and deems the content of the conversation is not appropriate to be said over public airways (squad radio), or the use has clear duty related value.
d. Do not use the phone while driving.
e. Do not use the phone in place of the radio for normal police functions.
f. Do not give phone numbers to the public or family members.
g. Report any malfunctions or abuse of the phones to the Commanding Officer(s) in writing as soon as possible.
h. Texting is not allowed on city cell phones.
i. Reserve officers may choose to bring their personal cell phones to assignments. Reserve officers should minimize the use of personal cell phones when on duty. Personal cell phones should be turned off when on ride alongs.

HOLMEN POLICE RESERVE POLICY
TITTLE:  Body Armor
ISSUE DATE:
LAST UPDATE: September 7, 2016

I. Purpose
In law enforcement, officers are many times introduced to dangerous situations in which weapons are a factor. While every attempt is made to keep the Holmen Police Reserves out of harm’s way, there may be times when the use of a bullet resistant vest is appropriate.

II. Method
The wearing of body armor is mandatory at all times while on duty unless otherwise authorized by the Holmen Police Department Command.

III. Issued Body Armor
The Holmen Police Reserves does not issue any member body armor but does have a limited supply for its members to use. The guidelines for use are as follows:

a. Sign out a vest prior to starting your duty assignment or ride along and record the vest number on the “Equipment Roster”.

b. No member shall take any vest home.

c. Reserve members are allowed to wear their own body armor once it has been inspected by the Commanding Officer(s) or the Chief of Police.

Approval:

_______________________________________  _________________________
Chief Shane Collins                        Date:

HOLMEN POLICE RESERVE POLICY

TITLE: Use of Handcuffs

ISSUE DATE:

LAST UPDATE: July 1, 2013

I. Purpose

The Purpose of this policy is to establish the guidelines in the use of handcuffs by the Holmen Police Reserves.

II. Policy

It is the policy of the Holmen Police Reserves, that reserve officers be allowed to carry handcuffs after the required training and that they be allowed to use them in accordance to this policy and the reserve training manual.
A. Reserve officers may carry two (2) sets of department approved handcuffs on their person. However only one set of handcuffs will be provided by the Commanding Officer or Chief of Police.

B. Probationary members are not allowed to carry restraints of any kind.

C. No reserve officer will be allowed to carry handcuffs without being trained by the department DAAT instructor and the approval of the Commanding Officer(s). Those reserve officers who have had documented training in this or another state may be waived by the DAAT coordinator of the department. Documentation will be required.

D. No person shall be handcuffed without prior approval of a sworn officer.  
   *Exception: If after you have used your OC in a self-defense situation, you may, if you can do safely, handcuff the subject prior to notifying an officer. Once the handcuffs are in place you **SHALL IMMEDIATELY** notify a Supervisor/OIC that you have used OC and have the subject detained. If a Supervisor is not available, you will notify a sworn officer. Your next course of action is to get the subject to the closest source of water for decontamination.*

E. No person shall be “hog-tied”.

F. If the reserve officer is unable to handcuff a person behind their back due to medical reasons, the subject should be restrained in another reasonable manner.

G. Handcuffs will be checked for fit and safety locked when they are in place on a subject.

H. Refer to the Training Manual for further guidelines

Approval:

_________________________________________  ____________________
Chief Shane Collins                          Date:
HOLMEN POLICE RESERVE POLICY

TITLE: Use of Oleoresin Capsicum

ISSUE DATE: July 1, 2013

LAST UPDATE: July 16, 2018

I. Purpose

The Purpose of this policy is to define the guidelines for a reserve officer’s use of the Oleoresin Capsicum (OC) spray.

II. Policy

It is the policy of the Holmen Police Reserves, that reserve officers be allowed to carry Oleoresin Capsicum spray after the required training and that they be allowed to use it in accordance to this policy and the reserve training manual.

A. OC shall be used in self-defense or the defense of others only.

B. Any use that does not fall into the above categories is unacceptable and may result in civil & criminal liabilities.

C. Improper use of OC will likely result in immediate dismissal from the Reserve unit.

D. If you have any questions, doubts, or confusion related to when you can or cannot use OC seek clarification immediately.

III. Requirements for Carry

A. To be a member of the Holmen Police Reserve Unit you will be required to carry OC.

B. Reserve Officers will not be allowed to carry OC until they have completed the annual Holmen Police Department OC training.

C. Probationary reserve officers will not be allowed to carry OC.
D. At a minimum reserve officers must pass an annual written test in order to carry.

IV. Authorized OC
A. Only department issued OC will be carried by the Holmen Police Reserves.
B. Only one (1) canister will be carried at a time.
C. Only department issued OC will be used during training.

V. Guidelines
A. **OC will be used for self-defense or the defense of others only.**
B. Sworn Officers may authorize you to use OC.
C. If OC has been used a Supervisor or on duty Officer will be *notified immediately.*
   The sworn officers on duty can assist you with this notification.
D. After OC has been used on someone, every reasonable attempt to get the subject to water must be made.
E. If you use OC on someone you will be expected to complete a statement. Do not go home before it has been completed.
F. Sound judgment must be used when using OC. Consider the risk of cross contamination.
G. OC will not be used if it appears that children under the age of two may be contaminated.
H. Reasonable efforts will be made to decontaminate animals that have been sprayed with OC.
I. If OC has been used you are authorized to handcuff the suspect before sworn help has arrived, provided you feel doing so is within your capabilities.

VI. *Further information regarding the use of OC can be found in the Training Manual.*

Approval:
This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 04/25/16
Purpose

The purpose of this policy is to describe the role of the Police Chaplain Program and how members of the Holmen Police Department may use it. The Holmen Police Department uses Chaplains from the La Crosse County Law Enforcement Chaplaincy. The Chaplaincy program works with all area law enforcement departments and in conjunction with the City of La Crosse Police Department for background checks, ID verification and issuance of chaplaincy identification badges.

Policy

It is our policy to maintain a Police Chaplaincy Program, using members of area clergy to provide voluntary services in the area of ministry, guidance, counseling, comfort, and help to department employees, their families, and the community.

I. Definitions

A. **Head Chaplain**: A volunteer, non-sworn clergy person, independent from the department, who is appointed by the Chief by recommendation of the Liaison Officers.

B. **Assistant Chaplain**: Assist the designated Head Chaplain as requested.

C. **Liaison Officer**: Officer(s) appointed by the Chief who acts as coordinator for both the department and Chaplain Program. Such officer(s) are responsible for coordinating training and assignments for members of the Chaplain Section.

D. **Personal Contact**: Contact between a department employee and a chaplain. ALL such contacts are strictly confidential per Wisconsin State Statute 905.06.

E. **Public Contact**: Contact between a chaplain and the general public.

II. Chaplain Requirements

A. Chaplains are not law enforcement officers and possess no law enforcement authority other than that of a private person.

B. Chaplains must be ordained or licensed ministers.

C. Chaplains must possess a valid driver’s license and be valid in the State of Wisconsin.

D. Chaplains are appointed by the Chief and will be issued a photo identification card by his/her designee through the Administrative Liaison, (City of La Crosse Police Dept.)

E. Chaplains are to assist police personnel and community members in whatever way possible.
F. Chaplains shall in no way interfere with department members and the performance of their duties.

G. Chaplains must never have been convicted of a felony unless granted a pardon by the governor of the State in which charges were levied, or by the President of the United States.

III. Staffing and General Duties

A. Head Chaplain

1. The Chaplain Program is headed by a liaison(s) that appoints the Head Chaplain, with approval of the Chief. The Head Chaplain is the volunteer person in charge of the program.

2. His/her duties include, but are not limited to, the following:
   a. Planning, organizing, and directing activities of the program.
   b. Providing reports to the Police Liaison and Chief as requested.
   c. Maintaining duty rosters and call lists for chaplain coverage.

B. Assistant Chaplains

1. The Police Liaison and Head Chaplain appoint as many Assistant Chaplains as may be necessary to accomplish the goals and objectives of the Chaplain Program.

2. All chaplains will assist in accomplishing the goals and objectives of the Chaplain Program.

3. Active Assistant Chaplains will be assigned at least one monthly duty day.

4. It is the responsibility of the Assistant Chaplain to find a replacement if s/he cannot meet his/her obligation for a previously assigned duty day. Such information will be routed to the Head Chaplain for documentation purposes.

5. Chaplains will sign-out for department/program equipment and supplies as the need arises.

C. Chaplain Notification

1. The investigating officer is primarily responsible for initiating the call to a Police Chaplain; an on-scene supervisor may also make such a request. The dispatcher will make the contact via the use of the pager (or radio if the chaplain is on-duty on a ride-along). If a specific chaplain or a specific denomination is requested, the dispatcher will use the call list to make the proper notification.
   a. Chaplains will respond on a no-decline basis (unless extenuating circumstances exist and they shall find a substitute) when requested by an officer or dispatcher.
   b. When making a public contact, the chaplain should notify the involved person’s clergy if the party does not object. The chaplain should make proper referrals in those cases that need specialized attention.

2. Chaplains may respond to calls as they feel appropriate without being dispatched, but must check in with an officer in charge at the scene to see if his/her services are needed or may be helpful. If not needed, the chaplain shall clear from the scene.

D. General Services

1. A chaplain may be called to assist department personnel in a variety of situations to include, but not limited to:
   a. Death notifications.
   b. Serious traffic accidents.
   c. Attempted or committed suicides.
   d. Assistance to victims or families of victims.
2. Chaplains will complete a case report when making a public contact that is forwarded to the Head Chaplain or Police Liaison.

3. Efforts should be made to visit seriously ill or injured members and/or family members in hospital care.

4. Police Chaplains shall always carry proper identification on their person when performing related duties. They shall be neat, clean, and properly attired.

Chief of Police
Shane Collins
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: RIDE ALONG PROGRAM  NUMBER: 9.3
SCOPE: ALL DEPARTMENT PERSONNEL  ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL  REVIEWED: 06/22/20

PURPOSE
The purpose of this policy is to establish a system for evaluating and processing the “ride-along” requests from individuals who have a legitimate interest in gaining first-hand exposure to police work.

POLICY
It is the policy of the Holmen Police Department to provide a “ride-along” program for individuals for the purpose of providing citizens with a legitimate interest to personally observe police patrol operations and to provide an educational experience to those desiring a career in law enforcement. The ride-along policy will establish criteria to determine eligibility and will delineate the duties and responsibilities of officers and citizens involved in the program.

I. PROCEDURE
A. Responsibility for the ride-along program.
   1. The Chief or Lieutenant will be responsible for administrating the ride-along program. Specific duties include:
      a. Collecting and processing of all written ride along requests.
      b. Conducting security checks on all applicants, to include checks for any criminal record, past contacts which may impact the integrity of the department, wants or warrants, and probation and parole status.
      c. All officers will participate in the program with the exception of Probationary Officers.
      d. The Chief or Lieutenant will schedule the ride-along, notifying the officer and the individual requesting the ride-along as to the date, time, and length of ride.
      e. The Chief will maintain a file containing all ride-along requests, and whether they are approved or denied. Denied requests will state the reason for denial on the request form for future reference. Ride-along requests will only be denied for legitimate reasons as approved by management.
      f. Request forms will be maintained for a period of one year.

   2. All ride-along must be pre-approved by the Chief or Lieutenant. The supervisor signing the Holmen Police Department Waiver of Liability form will document the supervisor’s
approval. The Chief or Lieutenant have the authority to deny a ride-along request if they believe that the ride-along would be detrimental to the department, its employees or the Village of Holmen. Reasons for denials will be documented in writing.

3. Police officers assigned ride-alongs have the following responsibilities:
   a. Conduct a pre-ride wants/warrants (29) check on the subject.
   b. Ensure that their passenger has completed and signed the Release of Liability and Rules of Conduct/Ride-Along Guidelines forms prior to commencing the ride-along.
   c. Ensure that their passenger understands and complies with the Rules of Conduct/Ride-Along Guidelines.
   d. Ensure that their passenger complies with all state and local laws.
   e. Conduct a pre-ride orientation with the participant to discuss what will be expected of them. This will include reviewing the Rules of Conduct/Ride-Along Guidelines.

B. Eligibility Requirements for Ride-Alongs
   1. The applicant must be 18 years of age or older.
   2. Applicant must submit a written request with at least 24 hours notice to the Holmen Police Department outlining the reasons they wish to participate in the ride-along program. Requests of less than 24-hours notice are generally prohibited, but may be approved by the Chief or Lieutenant on a case-by-case basis. Elected Village officials and members of the Police and Fire Commission are exempt from this 24-hour provision.
   3. All applicants must agree to abide by this policy and the Rules of Conduct/Ride-Along Guidelines.
   4. All applicants must complete a Release of Liability Waiver and Rules of Conduct/Ride-Along Guidelines form prior to each ride-along session.
   5. Applicants with a criminal record, past contacts that may impact the integrity of the Department, wants or warrants, or probation or parole status may be denied at the discretion of any supervisor.

C. Length of Shift for Ride-Alongs
   1. Participants in the program will normally ride for a three to four hour period.
   2. Elected city officials, police officers from other agencies, relatives and colleagues of Holmen police officers, other Departmental employees, and acquaintances of Holmen police officers may, at the officer's discretion, ride for longer periods of time.
   3. Police officers from other agencies who participate while off duty in the ride-along program do so as private citizens. Law enforcement officers in good standing and with permission from the Chief or Lieutenant may carry a firearm, only to be used as self-defense. No off duty officer participating as a rider will engage in any police activity, unless eminent danger to him/herself or of the officer or as a life saving measure to the community.

Chief of Police
Shane Collins
# HOLMEN POLICE DEPARTMENT RIDE ALONG REQUEST FORM

## Participant Information

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### Specific SHIFT you would like to complete Ride Along

- **First**: 6am to 2pm
- **Second**: 2pm to 10pm
- **Third**: 10pm to 6am

**DATE TO COMPLETE RIDE ALONG**

*Note:*
1. A ride along will last 4 hours unless previously approved.
2. If only one officer is working for the shift requested, that requested shift may be canceled due to lack of additional officers on duty.

### Classification:

- Citizen
- Village Employee
- Police Officer (Where:____________________)
- Relative of Village Employee (Who:____________________)

All applications will be afforded equal consideration. Please give a brief explanation for your interest in participating in our ride-along program.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

**Signature:**__________________________ **Date:**__________________________

**Supervisor’s Signature**__________________________ **Approved / Denied**
Holmen Police Department  
Ride along  
Professional Conduct, Dress, and Firearm requirements

**Rules of Conduct & Dress**

A. Riders will conduct themselves as ladies and gentlemen in all social and professional situations.

B. Profanity or vulgar language will be avoided.

C. Riders will not argue with members of the Police department or other agencies and will use discretion in making comments at any time.

D. Riders will act as interested observers, this is particularly crucial when interviews and interrogations are taking place. Riders should remain alert and observant, as it is always possible that the rider may be subpoenaed to testify to his/her observations and actions.

E. Riders will not represent themselves to be members or employees of the Holmen Police Department.

F. Riders will dress in business casual. Pants with no holes in them, T-shirts, polo type shirts, long sleeve, and jackets will not show defamatory, racial or other types of representation that would negatively represent the Holmen Police Department or the Village of Holmen. If such apparel is worn, the rider would be asked to change clothing or the ride along would be cancelled that day.

**FIREARMS:**

Law enforcement officers in good standing could be permitted to carry a firearm with consent of the Chief or Lieutenant, the carrying of a sidearm by non-law enforcement personal is strictly prohibited. This rule includes riders who have a valid permit to carry a weapon. Under no circumstances will any non-law enforcement rider carry either on their person, in their luggage or in their vehicle any revolver, pistol, blackjack, handcuffs or chemical weapon.

_________________________________________       _______________________
Signature of Rider                                                                                       Date

____________________________________
Chief / Lieutenant / Coordinator
HOLMEN POLICE DEPARTMENT
AGREEMENT ASSUMING RISK OF INJURY
OR DAMAGE AND WAIVER AND RELEASE
OF CLAIMS AND INDEMNITY AGREEMENT

I, __________________________________________________________ (please print your name) not being a member of the Holmen Police Department (HPD), and having made a voluntary request to ride as a guest in a vehicle assigned to the HPD to accompany a member of members of the HPD during the performance of their duties. The “duties” of the HPD and any member or members of the HPD are defined as all activities, incidents, encounters or confrontations which may occur while I am accompanying a member or members of the HPD.

The HPD is willing to allow me to ride as a guest in a vehicle assigned to the HPD and to accompany a member or members of the HPD during the performance of their duties with the following conditions:

1. That I am aware that the work and duties of the HPD are inherently dangerous and that I may be subjected to the risk of death or personal injury or damage to my property by accompanying a member or members of the HPD during the performance of their duties and that I freely, voluntarily and with such knowledge assume the risk of death, personal injury, or property damage from or in any HPD during the performance of their duties, including but not limited to any claims, damages or injuries arising from or in connection with riding, transporting, or traveling in any vehicle assigned to the HPD, the use of weapons by a member or members of the HPD or any person or persons, unlawful acts or forcible resistance by any person or persons.

2. The Village of Holmen, the HPD, their administrators, employees, agents or assigns, shall not be responsible or liable for any injury or damages, loss or expense to either me or my property incurred while riding in any vehicle assigned to the HPD or while accompanying any member or members of the HPD during the performance of their duties resulting from any negligence or omission on the part of any member of the HPD or any other person or persons.

3. I agree to indemnify and hold harmless the Village of Holmen, the HPD, Their administrators, employees, agents and/or assigns against any and all claims, demands, damages, actions, causes of actions or suits of any kind or nature whatsoever for any and all injuries and damages, known and unknown, both to person and property, which may result or may in the future develop from my accompanying a member or members of the HPD during the performance of their duties.

4. I agree to indemnify the Village of Holmen, the HPD, their administrators, employees, agents and/or assigns against any and all claims, demands, damages, actions, causes of actions or suits of any kind or nature whatsoever for any and all injuries and damages, known and unknown, both to person and property, which may result or may in the future develop as a result of any acts or omissions to act which I may commit while accompanying any member or members of the HPD.
5. The HPD may terminate this Agreement at any time without notice or warning for valid reasons, which will be at the sole discretion of the accompanying HPD officer of his/her supervisor, per HPD Ride-Along Policy.

6. That I will obey all instructions and directions from any HPD officer. I understand that any failure on my behalf to follow the instruction or directions will be grounds for immediate termination of this Agreement.

PLEASE READ BEFORE SIGNING

NOW, THEREFORE, in consideration of the permission given to me to ride in a vehicle assigned to the HPD and to accompany a member or members of the HPD during the performance of their duties,

I DO HEREBY AGREE to all of the above conditions and hereby release and forever discharge the Village of Holmen, the HPD, its administrators, agents, employees and/or assigns from any and all claims, damages, demands, actions, causes of actions, or suits of any kind or nature whatsoever for any and all injuries and damages, known and unknown, both to person and property which may result now or in the future may develop as a result of accompanying a member or members of the HPD during the performance of their duties.

___________________________________            _____________________
Signature of Ride-Along Date and Time
Print Name_____________________________________________

____________________________________
Signature of Parent or Legal Guardian Date and Time
Print Name_____________________________________________

____________________________________
Signature of Witness Date and Time
Print Name_____________________________________________

____________________________________
Supervisor’s Approval Date and Time
Print Name_____________________________________________

Printed Name & Badge # Taking Ride-Along

Reason for Ride-Along
HOLMEN POLICE DEPARTMENT

CONFIDENTIALITY STATEMENT

As a ride along participant with the Holmen Police Department I,
________________________________ understand all activities and information
observed, overheard, or resulting from my involvement with, among and/or
between hosting agency and the citizenry will be treated by as confidential. I will
not discuss this information with people outside of the hosting agency.

________________________________  ____________
Participant signature                Date

________________________________  ____________
Witnessed by                       Date
PURPOSE

This policy provides initial responding officers to active shooting and similar deadly force incidents, as herein defined, with protocols for assessing the threat and performing rapid intervention tactics to limit serious injury or loss of life.

POLICY

It is the policy of this department that during barricade and hostage situations initial responders shall contain suspects and secure the perimeter, pending the arrival of a tactical response team, when such containment and perimeter furthers the lifesaving mission. However, where deadly force has been employed, is reasonably likely to be employed, or continues to be employed by suspects, and when delay could result in additional injury or death, rapid deployment of available officers at the scene is authorized when deemed necessary to prevent further injuries or loss of life.

DEFINITIONS

**Active Shooting:** An incident in which at least one armed person has used, or is reasonably likely to use, deadly force and where victims are under his or her immediate control or are readily accessible. This term is commonly used to identify situations in which rapid deployment is justified. However, as defined herein, rapid deployment may be justified not only when shots have been fired (as the term active suggests) but also when there is a reasonable likelihood that some form of deadly force will be used if immediate measures are not taken.

**Contact Team:** Normally, the first three to five officers at the scene of an active shooting who form a team to locate the perpetrator in order to neutralize his or her aggression.

**Rapid Response and Deployment:** The swift deployment of a patrol officer and/or resources to developing or ongoing life-threatening situations such as active shooter, where delayed deployment of emergency personnel could otherwise result in death or bodily harm to innocent persons.

**Rescue and Recovery Team:** An organized team of officers who make entry after the contact team to provide first aid and evacuate persons from a hostile environment.

I. PROCEDURES

A. Initial Response
   a. The initial responding officer shall assume incident commander (IC) responsibility and shall notify communications. He or she shall initiate the basic situational analysis and determine initial resource requirements, such as an Emergency Response Team (ERT) hostage negotiators, and emergency medical technician (EMT) and fire services.
      i. Incident commander responsibilities may be passed repeatedly to a senior officer or an officer with specialized expertise upon his or her arrival once that officer has been briefed.
ii. Communications and all involved personnel shall be informed of any changes in the IC as they occur.

b. The IC shall designate an initial inner perimeter to contain the perpetrator and control access to and egress from the target location, when such containment is logical and appropriate. Civilians should be directed out of the inner perimeter to a designated secure location for identification and debriefing of witnesses.

c. The IC shall select a suitable secure staging area for responding officers and other emergency responders and shall provide its exact location to communications for relay to responding units.

i. The staging officer shall remain at the staging area at all times to brief arriving personnel and maintain communication with the emergency operations center (EOC) and the contact team.

ii. A second secure staging area shall be designated as soon as reasonably possible to accommodate family members of victims who may arrive on site.

iii. A third staging area shall be designated, as time permits, to accommodate media personnel.

B. Initial Situational Analysis

a. Based on observation and all available information, the IC may verify that an active shooter situation exists through information provided by bystanders, complainants, telephone communication from persons confined in the target location, escaped hostages or witnesses, reports of gunfire, or other sources.

b. Where available and as time permits, witnesses, escaped hostages, and others should be questioned to determine the number of subjects, their armament, and the place where the subjects were last seen; the number of hostages or persons in hiding; the hostages’ locations, injuries, or deaths; known booby traps; and related information.

c. Upon completion of the initial situational analysis, the IC shall advise communications and request resources as deemed necessary to respond to a designated staging area.

C. Justification for Rapid Deployment

a. The IC shall determine whether rapid deployment is justified. Serious bodily harm or death need not have taken place in order to justify rapid deployment. However, officers should reasonably believe the suspect

i. is armed with a deadly weapon,

ii. has hostages who are under his or her immediate control or who are readily accessible, and

iii. has, by speech, conduct, or other means, provided the basis for a reasonable belief that he or she will use or continue to use deadly force.

b. The decision to initiate rapid deployment should also include the following:

i. Whether SWAT or ERT officers will be available soon enough to take action in lieu of rapid deployment.

ii. Whether sufficient police manpower and equipment is available to deal effectively with the threat. It is ideal to have three officers be available before a tactical entry is attempted but is up to officer discretion depending on situation. This number may vary based on information, as available, concerning the number and potential location of perpetrators, their weapons, and other variables.

iii. Whether the target location can be entered effectively to gain access to the perpetrators. This consideration includes, but is not limited to, such circumstances as booby trapped explosives known to exist that are beyond the capability of available officers to bypass or disarm.

iv. Whether intervention could potentially neutralize the opportunity of perpetrators to gain access to hostages or other potential victims.

D. Tactical Intervention

- Where the situational analysis and related information supports rapid deployment, available officers shall form a contact team under the supervision of the senior officer.
a. Normally, only one contact team shall be deployed at any given time. Additional teams may be deployed at the direction of the IC to provide tactical advantage. The IC shall ensure that each team is aware of the other teams’ location and actions.

b. The mission of the contact team is to locate and stop the threat.

c. The contact team shall locate the perpetrators in the most expeditious manner possible in order to stop the threat. In doing so, officers should not stop to render aid or assistance to victims but may, where reasonably possible, inform them that rescue teams are forthcoming, direct them to a safe point of egress, or both.

d. Where available, the contact team should wear soft body armor and ballistic helmets and deploy service weapons, patrol rifles, and shotguns. The team should deploy according to departmental training in a tactical team formation. Where time is of the essence, entry should not be delayed in order to gather all items of equipment noted.

e. The team should employ tactical advantages such as entering at a location other than the main entrance to provide an element of surprise and to avoid potential booby traps or ambush.

f. The contact team shall be provided with a clear channel to provide ongoing communications with the command post and tactical teams regarding the following elements:
   i. The team’s progress and location.
   ii. The location and number of victims and their medical needs.
   iii. The estimated number of perpetrators involved.
   iv. The perpetrators’ descriptions and armament if known.
   v. The location of any booby traps or explosives. Where a booby trap or explosive device is discovered, the contact team leader shall determine whether to post an officer near it, report it, or mark it for later removal.

g. The contact team should not attempt to conduct a thorough clearing of the location but should follow sounds (such as gunfire and yelling and screaming), observations of victims and bystanders, and related information to help in locate the perpetrators as soon as possible.

h. Once the perpetrators have been located and the threat terminated, the contact team should proceed to clear all portions of the location in the event that more perpetrators are in hiding. Arriving SWAT, ERT, or other officers should be called upon to help clear the location.

E. Rescue Teams

a. Once the contact team is deployed, and as officers and resources arrive at the incident scene, the IC shall ensure that a requisite number of rescue teams are formed to provide first aid and to evacuate victims. Rescue teams generally consist of four to six officers but may be expanded to include medical personnel or other officers as the situation dictates.

b. Rescue teams shall be deployed only after the contact team has made entrance, provided a status report, notified the command post of the location of victims, and determined that rescue efforts may begin.

c. Rescue teams shall be organized under a team leader, deploy in tactical formations consistent with departmental training, and be prepared to respond to hostile action as rapidly changing circumstances may place them in contact with the perpetrators. In such instances, the team shall be prepared and equipped to serve as the contact team.

d. Wounded and injured persons shall be removed to the emergency first aid area designated by the IC with cover and movement of such persons provided by team members. If emergency medical personnel are not yet in place, basic first aid shall be the responsibility of rescue team members until medical personnel relieve them.

e. Medical personnel may be permitted to accompany or respond to rescue team members if wounded persons are not deemed capable of being safely evacuated.

f. Rescue team members shall search uninjured persons in the hostile environment before moving them to the evacuation site.

g. Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.
h. Officers assigned to the evacuation center shall maintain custody and control of all victims and document their identity.
i. As evacuees arrive at the designated safe location, the IC may direct that they be debriefed for information relating to the identity, location, and armament of the perpetrators and other such information as may be deemed important to ongoing contact and rescue operations.

F. Command Post

a. The IC shall ensure that the following actions are accomplished as their importance is determined on site:
   i. Establishing a command post
   ii. Establishing communication
   iii. Identifying a staging area for the media
   iv. Requesting mutual aid
   v. Ensuring unified interagency telecommunications
   vi. Ensuring traffic control and management
   vii. Requesting emergency medical assistance and designating a safe staging area for treatment of the injured
   viii. Initiating intelligence gathering on possible perpetrators
   ix. Selecting a safe location to move evacuees
   x. Summoning police chaplains and officers to provide information to parents or other relatives of victims
   xi. Coordinating with owners or officials of the target location for floor plans, site layout, and a roster (including emergency contact information as available) of employees, students, residents, visitors, or others believed to be on site
   xii. Assigning a recorder to document actions at the command post

b. When available on the scene, a SWAT team or an ERT may be assigned as appropriate to
   i. contain the location,
   ii. assist rescue teams,
   iii. help locate perpetrators or relieve the contact team,
   iv. help locate and safeguard explosives pending removal, and e. provide special weapons and equipment as needed.

c. Additional officers shall be deployed to control access to the location and monitor the perimeter. Perimeter personnel shall be aware that suspects may attempt to flee the location by posing as victims. Therefore, all apparent victims shall be directed to a position of cover and searched for weapons prior to being directed to the evacuation area.

G. Debriefing

- After the incident, the department shall conduct a debriefing of essential personnel involved in the incident. The debriefing shall identify both positive and negative aspects of the deployment with the intent of determining whether changes in operational protocols, policy, or training are warranted as a result.

H. Training

- This department has the duty to provide rapid response and deployment training to all sworn personnel, including simulation exercises conducted in schools and other facilities.

Chief of Police
Shane Collins
PURPOSE
The purpose of this document is to establish guidelines for the department’s response to hazardous materials spill incidents. The duties of dispatchers and officers upon notification of and response to reports of hazardous materials spills will be addressed in the policy.

POLICY
It is the policy of the Holmen Police Department that officers shall receive training relating to the types of hazardous materials they may encounter in the line of duty. Officers shall be trained to recognize hazardous material spills, to take action to protect themselves and others and to gather the necessary resources to remedy the hazardous materials situation.

DISCUSSION
Numerous hazardous materials are in use throughout the Village of Holmen in a variety of businesses, medical facilities and households. Additionally, hazardous materials are transported in and through the village on public streets daily. While many materials are in common use, accidents or spills of such materials may present a serious threat to the general public and to officers who respond to incidents which may or may not have been reported as involving hazardous materials.

DEFINITIONS
A. Hazardous Material: Any element, compound or combination thereof that is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, an etiological agent or highly reactive agent which may have a detrimental effect upon emergency services or medical personnel, the public, equipment and/or the environment. This definition includes all motor vehicle fuels or coolants, except spills of an insignificant quantity.

B. Hot Zone – The area immediately around the hazard for a radius of 330 feet.

C. Warm Zone – The area where the HazMat decontamination team sets up operations. Access to this area will be limited.

D. Cold Zone – The area where the Incident Command Post is set up. This will include support operations, rehabilitation, and the medical team.

I. PROCEDURE
A. Notification of a Possible Hazardous Materials Spill
   1. The initial notification of an incident may or may not include information that a hazardous material may be involved.
2. Officers and/or dispatchers receiving a complaint of an accident, fire, unusual odor or unknown illness or injury or any other incident under circumstances that may indicate involvement of hazardous materials should make additional inquiries of the reporting party as to the possible presence of these substances. This information, if any, shall be made available to responding officers.

3. Any report indicating a hazardous material spill has occurred, or is likely to occur, shall require the dispatch of the Holmen Fire Department.

4. Officers should be observant for the presence of hazardous materials on any assignment or when hazardous materials may impede or endanger officers during an investigation. If an officer determines a hazardous materials spill has occurred, or there is a substantial likelihood a spill will occur, the officer shall notify the HFD through the dispatch center as soon as possible.

B. Officer's Arrival at the Scene

1. Officers arriving at the scene of an incident involving a reported hazardous materials spill shall respond promptly but approach the scene cautiously. Officers should avoid entering the “Hot Zone” if at all possible. If possible, officers should use squad binoculars to gather information from a safe distance. Officers should be observant for the following evidence a spill has occurred:
   a. Observation of liquids, solids or gases that have or are spilling from a container or unexplained odors at the scene. Officers shall attempt to determine if the container or vehicle is displaying hazardous materials placards or labels and shall record the displayed information.
   b. Locate the operator and determine the vehicle contents and/or examine shipping papers or the bill of lading. The vehicle operator may also be able to provide information as to the immediate danger present from a spill of this cargo.
   c. Observe persons already at the scene for any symptoms of a reaction to contact with the material or vapors. Speak to persons at the scene as to their physical condition and observations and take appropriate protective measures as necessary.

2. Officers responding to any traffic accident, or incident at a business that may utilize chemicals or other hazardous materials, should be observant for evidence a hazardous materials incident may have occurred.

3. If an officer observes any evidence of a hazardous materials spill, he/she shall immediately notify the dispatch center and request additional assistance, if necessary, and the resources necessary to address the spill.

C. Officer's Initial Actions at the Scene

1. A primary initial objective of the first officer(s) to arrive at the scene shall be to control the scene and prevent the hazardous materials incident from worsening. These measures may include, but shall not be limited to:
   a. Requesting additional officers and/or a supervisor at the scene.
   b. Requesting the fire department at the scene.
   c. Requesting Emergency Medical Services (EMS) personnel at the scene.
   d. Preventing access to the contaminated area.
   e. Establishing a danger area to include initiating an evacuation of the area, if necessary.
   f. Identification of the hazardous agent involved.

2. If a hazardous materials spill is suspected, officers should approach and park their vehicle upgrade and upwind from the scene of the spill at a sufficient distance to protect the officer from the effects of the spill. The distance from the spill will be determined by the nature of the spill and other information available to the officer upon his/her arrival.
3. Officers should attempt to identify the hazardous material as quickly as possible, looking for placards or other markings of nearby vehicles or equipment. Officers should use “Emergency Response Guidebook” available in each squad.

4. If persons at the scene appear to have been overcome or contaminated by the spilled materials, officers should use caution before making any rescue attempts until reasonably certain the rescue can be accomplished without unreasonably endangering officers or EMS personnel.

5. Any officer that was within the “Hot Zone” will be required to go through decontamination. Officers should make themselves available to fire department personnel for this procedure.

6. If persons at the scene appear to be injured or contaminated by a hazardous material, segregate these individuals. Life-sustaining measures shall be taken as necessary but non-essential first aid measures should be limited to prevent further injury from, or the spread of, the contaminant.

7. EMS personnel at the scene and medical personnel at the hospital shall be kept informed by officers, at the scene or through the dispatch center, of information relating to the type of hazardous materials involved so they may take adequate protective measures for themselves and ensure appropriate treatment of the injured.

D. Securing the Scene
1. The dispatch center shall assign officers to the scene as necessary and as staffing permits. A supervisor shall be contacted.

2. The assigned supervisor may reassign personnel as necessary to ensure adequate coverage at the scene and may order off-duty personnel to duty, if necessary.

3. The officer assigned the initial call, or the on-scene supervisor, may mobilize additional resources, as necessary, through the dispatch center including, but not limited to the:
   a. Fire Department
   b. Street or Utility Department
   c. Department of Natural Resources
   d. Gas and Electric Utilities
   e. Explosive Ordinance Disposal Unit
   f. Emergency Government
   g. Federal Aviation Administration
   h. County Medical Examiner

4. Officers assigned to the scene shall be under the direction of the officer initially assigned the incident or the on-scene supervisor. Officers may be placed under the control of the incident commander if an Incident Command System is implemented, e.g. the Fire Department Commander or Emergency Government Incident Commander.

Chief of Police
Shane Collins
Purpose
The purpose of the Canine Unit is to provide assistance to law enforcement personnel while reducing or preventing injury to officers and the public and/or to provide expertise in areas not normally available to law enforcement personnel.

Policy
It is the policy of the Holmen Police Department to provide and maintain a Canine Unit in order to provide canine related services to the community. The department will utilize a Canine Unit in the following situations only if the canine team has been specifically trained for such situations/duties:

1) Tracking and apprehending persons who have escaped or who are in the process of escaping from crime scenes or arrests.
2) Tracking missing persons.
3) Searching for criminals, criminal evidence and controlled substances.
4) To provide a strong psychological deterrent to certain types of criminal misconduct.
5) Provide demonstrations to further public relations.
6) Provide assistance to other law enforcement agencies.

Definitions

**Police Canine Team** -- One trained canine handler and his / her assigned police canine.

**Patrol Trained Canine** -- Canine trained to search, detect, engage and hold a person.

**Tracking Trained Canine** -- Canine trained to follow a foot trail and / or air scent to locate a person.

**Drug Trained Canine** -- Canine trained to detect narcotics.

**Dual Purpose Canine** -- Canine trained in two specific disciplines, example Patrol / Narcotics trained canine.

Procedure - Selection, Ownership and Use of Canines:

A. The criteria used to determine the selection of approved canines includes but is not limited to:
   1. A high retrieve/prey drive
   2. A sociable demeanor
   3. Successful completion of a series of tests to determine law enforcement suitability
   4. Excellent health and conditioning
   5. Successful completion of a veterinarian check for parasites, heartworms and hip dysplasia.

B. All canines accepted for training and use by the Holmen Police Department are the sole property of the Holmen Police Department. The canines are to be considered by the handlers as a valuable tool issued to them by the department. Proper care and maintenance of the canine is the
responsibility of the handler. This responsibility is assumed by the officer at the time he/she requests to be and is assigned to the Canine Unit.

C. Police canines will not be used for any purpose, other than official duties. Prohibited uses include:
   1. Use for personal gain
   2. Entry in any dog show or exhibition, or registration with any society or organization without authority.
   3. Handlers will not use or permit the use of the department canine for breeding purposes without written authorization of the Chief of Police.

1. Selection of Canine Handlers
   A. Services as a Canine Handler will be voluntary with officers submitting their interest and qualifications for consideration upon department notification of openings.
   B. Prospective Canine Handlers should:
      a. Have a strong desire to work with canines as they relate to law enforcement, a willingness to care for and train the animal and a willingness to operate as the department's canine officer for at least three years.
      b. Realize that, due to the time and expense involved in the training of the handler and dog, changes in duty assignments will not routinely be made and that off duty call outs may occur quite often.
      c. Be in such physical condition as to enable them to perform the more strenuous assignments given to the Canine Unit.
      d. Have a minimum of 18 months of experience as a sworn Holmen police officer (This requirement may be waived based upon prior experience of the applicant) with satisfactory work performance, disciplinary and medical leave records.
      e. Have a willingness to care for and house the canine at the officer's residence or in a secure outdoor area for the canine that conforms with Departmental requirements.
      f. Realize that they are responsible for the care of the canine, which consists of but is not limited to seeking medical attention when necessary, proper feeding and watering, grooming, exercising, maintaining and keeping the kennel area clean and ensuring protection from the elements.
      g. Be aware that they will be issued a department take home vehicle based upon availability and approval of the Chief of Police.

2. Training
   A. Initial training of the handler and dog will be conducted under the supervision of a trainer who is selected by the Holmen Police Department based upon qualifications and available canine training facilities.
   B. All canine teams must be trained and may be certified by an authorized and accredited training source. The individual handler/canine supervisor will ensure that all training records are filed with the Chief of Police.
   C. The canine handler(s)/supervisor(s) is responsible to ensure that required daily/weekly/monthly training occurs and is documented.
   D. The canine teams may complete at least one annual specialized training course by a certified trainer for purposes of certification and the proficiency of the canine. Certification courses would be through North America Police Work Dog Association (NAPWDA), United States Police Canine Association (USPCA), Dogs for Law Enforcement (DLE), American Working Dog Association (AWDA) or other nationally recognized association.
   E. It will be the responsibility of the canine handler/supervisor to ensure that proper training is completed in order to keep the dog in a working status.

3. Canine Handler Responsibilities
   A. Must successfully complete the initial training.
   B. Must attend and complete in-service refresher course assignments and requirements.
   C. Must practice techniques and strengthen weak areas.
D. Must document each training exercise completed in a training summary report which shall include:

   a. Specific training
   b. Performance of dog
   c. Time spent training

E. Personally responsible for the daily care of the canine, which consists of, but is not limited to seeking medical attention when necessary, proper feeding and watering, grooming, exercising, maintaining and keeping the kennel area clean and ensuring protection from the elements.

F. Where the handler is unable to perform these and other related duties due to illness, injury or leave, another canine handler may be assigned temporarily to care for the dog; or the dog may be housed in a Department approved kennel when the handler is unavailable.

G. Teasing, agitating or rough-housing with a police canine is strictly prohibited unless performed as part of a training exercise.

H. Dogs are not to be fed by anyone except the dog handler or a designee.

I. It is the canine handler's responsibility to see that adequate amounts of food and equipment are kept on hand.

J. Canine handlers will be held directly responsible for the control of their dogs.

K. Canine handlers will see that their canine is clean and well groomed at all times and that the kennels at home are clean and a credit to the department. All equipment will be kept in good working order and the canine vehicle is to be clean at all times. Periodic checks will be completed by a supervisor.

L. The decision/discretion when, or if to use a Canine Team.

   1. Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment. Under no circumstances will a supervisor order a handler to deploy his dog in a manner which the handler feels places a needless risk of danger upon the dog, or that he/she feels is a function that the dog cannot perform.

4. Requests for Canine

A. Requests by businesses and private citizens for the services of the Holmen Police Department Canine Unit will be directed to the Chief of Police.

B. Outside law enforcement requests need to go through the Chief of Police or Lieutenant if it is a preplanned even, same with Mutual-Aid requests.

   a. Response to outside requests will be at the discretion of a supervisor or by the handler if the supervisor off duty or unavailable.

   b. The proper functioning of this department shall not be jeopardized in order to provide assistance to an outside request.

C. Off-Duty Call Out

   a. May be requested by any certified law enforcement officer. Must be approved by a supervisor and if supervisor is not available the handler will use his/her discretion to come out.

   b. Handler may respond directly to the scene from home, if properly equipped.

D. Requests For School Searches

   a. Requests by local school districts for the purpose of searching and seizing controlled substances will be authorized after the following criteria have been met.

      1. The request to utilize the Holmen Police Department Canine Unit shall be made to the Chief of Police or Lieutenant by the School Administrator and/or Principal.

      2. The request, whether permitted or denied, will be processed expeditiously.

   b. Canine Unit - School Search Procedures.

      1. No body searches will be performed (student/faculty).
2. The canine handler or designee shall mark or note the lockers or areas where the dog hits (indication of the presence of narcotic odor) for the purpose of entering and seizing illegal drugs by school officials.
3. Officers, at the discretion of school officials, may be called upon to assist with searches and the seizure of controlled substances due to their professional expertise in these areas.
4. Any items or contraband seized may be used to pursue administrative sanctions and/or criminal prosecution.

E. Crowd Control Use
   a. The canine unit shall be used for crowd control only if trained for such work and will not be used for crowd control at peaceful demonstrations.
   b. Must be approved by the Chief of Police or Lieutenant to use. (If conditions do not permit the time required for such approval, the canine handler may authorize such use. This should only be considered as a final resort to protect the safety of officers, the public or property during a riot or other major unauthorized gathering that cannot be controlled by other means.)
   c. If the Canine handler makes authorization to use the Canine, every effort will be made to notify the Chief of Police or the Lieutenant as soon as possible to advise them of the situation and the order for the use of the Canine Unit.
   d. In a crowd control situation the canine shall:
      1. Be on a leash no longer than fifteen (15) feet at all times unless no other means are available to protect an individual from serious injury
      2. Not initiate any offensive action, unless to guard against imminent loss of life or serious bodily injury.
   e. No departmental canine will be used for Riot Control without the knowledge and authorization of the Chief of Police or the Lieutenant.
   f. Responsibility in Riot Control
      1. The Handler will have the responsibility of ensuring that his dog remains a reasonable distance from the nearest person in the crowd being dispersed.
      2. The Handler will be constantly alert for stragglers.
      3. The Handler has the responsibility of keeping his dog under control at all times.
      4. Police dogs will not be allowed to bite except in major disturbances while dispersing an actively violent crowd, and only as a last resort when it has been determined that a riot condition exists.
      5. Handlers are trained to, during a crowd control event, use their canine on those subjects advancing on the line of officers.

F. Public Relations Demonstrations of Canine Operations.
   a. Must be approved by the Chief of Police or Lieutenant.
   b. Will not be permitted if publicized for the purpose of selling admission to the event.
   c. Public relations demonstrations will be documented, advising the name of the sponsor group, and placed in the monthly report.

V. Technical Procedures
   A. The Canine Unit has been trained to detect and seize drugs, track persons, control and subdue offenders and may have additionally been trained to find explosives or control crowds. The canine handler shall review the specific circumstances of each situation and make the final determination whether the Canine Unit should be utilized.
   B. Building Search -- The primary use of Departmental canines is for locating suspects in buildings or related structures where search by an officer would create an unnecessary risk.
      a. The building's perimeter should be secured by patrol personnel and no one should be allowed to enter.
b. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine’s ability to discriminate scents.

c. Personnel should make every effort to remain clear of the suspected point of entry while awaiting the Canine Unit.

d. Attempts should be made to contact a key holder or building owner to ascertain the buildings layout, to determine the possibility of someone lawfully occupying the premises and to determine if there are any special conditions the canine handler should be advised of, such as chemicals, poisons, etc.

e. If possible tenants, workers or other innocent parties should be evacuated from the facility and air conditioning, heating or other air-blowing systems should be shut off so as not to interfere with the canine’s scent.

f. A back-up officer will be assigned to assist handler and when available two officers will accompany the handler into the building.

g. Prior to the building search, the canine handler will verbally announce three warnings to anyone inside the building that a canine will be released to conduct a search. The canine handler will urge anyone inside the building to surrender at that time. If there is no response the canine will be released by the handler to conduct the initial search.

h. A reasonable amount of time shall be allowed for the suspect(s) to respond.

C. Tracking

1) Police canines are available to track missing persons or suspects, or to locate evidence believed to have been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:
   a. When officers are pursuing suspects and contact with the suspect is lost, the officer, prior to summoning a canine team, shall:
   b. Stop and pinpoint the location where the suspect was last seen
   c. As soon as possible provide the handler with information pertaining to the type of crime, suspect description, weapon information, time lapse, perimeter information, and contamination of a search area
   d. To the extent possible, given manpower availability, set up and maintain a perimeter around any area to be searched and prohibit any entry to the search area so as to prevent the contamination of air and/or ground scent unless precluded by the need for medical assistance, immediate arrest, or other essential factors.

2) When the canine team begins a search for a suspect, a back-up officer will be assigned to follow at a distance of approximately 15 feet to the rear of the team and off the track, in order to keep the team in view, watch for suspects and provide assistance as needed.
   a. The back-up officer shall follow the instructions of the handler.

3) Assigned units may be moved according to the progress of the canine team and as directed by the on-duty supervisor or canine handler.

4) Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine’s tracking abilities.

5) Canines should not be used to locate small children unless there is a reasonable suspicion of foul play or a belief that serious bodily harm or death will occur if the child is not located immediately. Where the use of a canine is deemed necessary, the risks of injury to the subject shall be explained to the parents or next of kin and their approval obtained to use the dog.

D. Drug Detection

1) The canine handler shall maintain records that document the use and the proficiency of his/her canine in drug detection and made available to others who may need it when seeking warrants or other information.

2) Some canines are specially trained to detect the presence of illegal drugs. These canines may be deployed to check any structure, vehicle, boat, and aircraft within applicable legal
requirements. The handler will be cautious to prevent the accidental direct physical contact with any loose or open containers of illegal substance.

3) The use of a narcotics detecting canine to search a person for narcotics is prohibited.

4) All sniffs by canines will be in compliance with all applicable case law.

5) All outside areas and buildings that are to be searched for drugs should be cleared of all persons and animals prior to the arrival of the canine team. Efforts shall be made to leave the scene exactly as the perpetrators left it. When the canine team is to be utilized, officers should not attempt to do a physical or visual search prior to the team’s arrival. Narcotics that are in plain view or substances that may be harmful to the canine shall be shown to the canine officer upon his arrival.

E. Chases/Apprehensions
   1) In a chase situation, the canine may be released to prevent the escape of a suspect whom the officer has probable cause to believe has committed, is committing, or is about to commit a felony or there is reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer, or the handler. Prior to releasing the canine and throughout the chase, the handler will believe that:
      a. There are no other persons that will be endangered by the canine.
      b. The canine has in the handler’s opinion, actually seen the suspect and knows that the suspect is the one to be apprehended.

   2) A verbal warning will be given prior to releasing the canine: The suspect shall be given the opportunity to surrender.

   3) The handler will maintain visual contact with the canine throughout the chase and recall the canine if contact is lost.

   4) Recall the canine if the suspect gives up.

   5) Recall the canine when the handler or another officer gains control of the suspect.

   6) The handler will determine whether the canine should be used if the suspect is known to be armed.

VI. TRAINING AID (CONTROLLED SUBSTANCE) PROCUREMENT PROCEDURES
   A. The controlled substances used for the training of the drug detection dogs will be obtained from the DEA for training purposes will be maintained and secured as regulated by the DEA guidelines.

   B. When the canine handler receives a controlled substance from the DEA, he/she will enter the following information into a Controlled Substances Log:
      1. The type of controlled substance.
      2. The total weight in grams of the controlled substance and its packaging when received.
      3. Date and time of transfer.
      4. Signatures of the handler, supervisor, and Chief of Police.

   C. The Controlled Substances Log detailing the information for each new controlled substance received will be secured in a locker. Only the Canine handler, Lieutenant and Chief of Police will have access to the locker.

   D. Controlled substances obtained from evidence will require an incident report documenting the original case number, type and weight of substance at time of removal. The evidence tech shall indicate the disposition of the item as training.
      a. Controlled substances from evidence will be logged into the Controlled Substance Log.
      b. When the substance is no longer used for training purposes, it will be re-submitted into evidence and a supplement report completed to include its final weight.

VII. TRAINING AID STORAGE
   A. Each type of controlled substance will be stored in a separate airtight container.

   B. When not in use, training aids will be stored in a secured area or locked locker.

   C. Only the Canine Handler and a supervisor will possess the lock key and/or combination.

   C. When a training aid is used for a training exercise, its removal and return to the locker will be recorded by the handler in the Controlled Substance Log that will note:
1. The date and time the training aid was removed and returned.
2. The name and signature of the handler removing and returning the training aid.

D. Only the canine handler and/or a supervisor are authorized to remove or return training aids to the secured area or locker.

E. The canine handler will notify the supervisor whenever a training aid is no longer usable due to contamination, staleness, or other reason.
   1. Before disposal, the training aid will be inspected and weighed by the handler in the presence of a supervisor. Minor weight fluctuations are normal to changes in humidity level and the drying and aging of substances.
   2. The results of the inspection and the disposal will be recorded in the Controlled Substance Log.

F. Disposal of training aids
   1. The handler will forward the training aid, along with a departmental memorandum to the Evidence Tech for destruction. The Evidence Technician receiving the training aid that is to be destroyed will weigh the training aid and acknowledge receipt of the training aid by signing the departmental memorandum and return the memorandum which will be retained by the handler for inclusion in the training aid file.

G. In the event a training aid is lost or damaged, the canine handler will immediately contact the supervisor. The handler will submit a Departmental memorandum to the Chief of Police detailing the circumstances of the lost or damage.
   1. The Lieutenant will investigate the circumstances relating to the loss or damage and disposition. A copy of the disposition by the Lieutenant will be placed in the file for that training aid along with a copy to the Chief of Police.
   2. The loss or damage will be recorded in the Controlled Substance Log.
   3. When a training aid is damaged, it will no longer be used for training and will be submitted for destruction pursuant to section above.

VIII. TRAINING AID SECURITY PROCEDURES
A. Training aids will be stored in airtight containers when not in use.
B. The Controlled Substance Log will be maintained in a ledger that will be stored in the locker.
C. At least annually, the Chief of Police will arrange for unannounced inspections of the training aids to ensure security. The inspection will be conducted by the Lieutenant and will ensure that all procedures as documented above are followed. The Lieutenant conducting the audit will submit a report to the Chief of Police on their findings.

VI. CANINE UNIT BITE
A. Bite Procedure
   1. Whenever a canine bites an individual, whether or not in the line-of-duty, the handler shall:
      a. Summon a supervisory officer to the scene and if one is not available they will be notified as soon as practical by phone.
      b. Examine the affected area to determine the seriousness of the bite or injury.
      c. Obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury.
      d. Take color photographs of the affected area if possible following medical treatment.
      e. If a canine is used to effect an arrest, a use of force report and a General report and/or supplemental report will be completed whenever a canine has bitten or otherwise injured an individual.
      f. The report must detail the circumstances surrounding the incident, the identity of the individual involved and any witnesses, the extent of injuries if known, and measures taken in response to the incident.
      g. The report shall be filed as follows:
         1) Original to Records
         2) Copies to the Chief of Police and Lieutenant.
      h. Make no statements as to liability or fault in the matter.
      i. When a handler or another person is bitten by a canine the handler will complete a Police Report on an Animal Bite report form.
i. If an employee is bitten and injured a supervisor will complete a Safety Investigation Report form and all necessary Workers Compensation forms.

VII. VETERINARY SERVICE / KENNELING / SICK LEAVE / VACATION

A. Veterinary Service
   2. All medical veterinary arrangements are to be made by the handler and the department veterinarian.

B. Kenneling
   1. Dogs will be kept only in departmentally approved kennels.
   2. The handler will submit all requests for kenneling to the Chief of Police for approval.

C. Sick Leave, Handler or Dog
   1. If the handler is ill and neither the handler nor his/her family can care for the dog, it will be kenneled at a departmentally approved kennel.
   2. If the dog is ill, the handler will determine if the dog should work.

D. Prolonged or unusual illness will require the canine to be examined by the department veterinarian to determine if the dog is capable of working. The Chief of Police should be notified anytime the dog cannot be used due to illness. The handler will report for duty.

E. Vacation
   1. The dog will not be required to accompany the handler on vacation or any other out of the city non-duty activities. If the handler chooses to take the dog on vacation or out of the city for non-duty activities prior approval will be obtained from the Chief of Police. If the handler is on vacation or going out of town for a period exceeding one week, and no approved individual is available to properly care for the dog, the department approved kennel will be used.

VIII. EQUIPMENT / CARE

- Each canine officer will be supplied with the necessary equipment required for handling/training and caring for the canine.
- Handlers are responsible for the cleanliness and care of equipment at all times and must report when an item becomes unserviceable for any reason.

IX. INJURY TO HANDLER

In the event that the canine officer is injured and unable to give the dog commands, the following procedure will be followed:

A. DO NOT, UNDER ANY CIRCUMSTANCES, approach the canine that is protecting the canine officer or attempt to assist the officer unless it is apparent that the failure to respond to the officer would result in death or be detrimental to his/her health or safety.

B. Officers will request medical assistance for the injured canine officer immediately.

C. Attempts to control the canine will be made by any of the following means:
   1. Contact another handler to remove the dog or control its actions.
   2. Summon a member of the handler’s family, whom the dog is familiar with.
   3. Decoy the dog into a secure location (vehicle, room).
   4. Use a snaring pole.

D. If all other efforts to respond to the emergency needs of the officer fail, contact the Department Veterinarian and attempt to tranquilize the dog. If those efforts are unsuccessful, or time does not permit because the officer is in imminent danger of losing his life or compounding an existing serious injury, the canine should be neutralized.
X. COMPENSATION / WORK HOURS
- The compensation and work hours of the handler will be in accordance with agreed upon contractual language.

XI. CANINE RETIREMENT
A. A police canine shall be retired when he/she no longer is suitable for duty, or the handler is transferred or promoted to a position that is not consistent with canine work, or retires from the department and the department decides not to retrain the canine for another handler. The final decision on the canine retirement is made by the Chief of Police or his/her designee.
B. If the handler is willing to accept all responsibilities associated with the ownership of the retiring department canine, then a resolution to the Village of Holmen seeking approval for the donation of the police canine to the handler can be submitted.
C. On transfer of ownership to the handler, the Holmen Police Department will no longer be responsible for any costs, liability, responsibility, care, maintenance, or any other duties associated with the retired canine. No warranty or performance expectations concerning the canine are expressed or implied, and the canine is transferred to the new owner “as is.”
D. The department reserves the right to stipulate that the department canine be spayed or neutered, not be used for any financial gains to the handler and will not be sold or has ownership transferred to another for the life of canine.
E. The Village’s Attorney shall prepare legal forms that shall be signed by the handler and the Chief of Police at the time of the transfer of ownership.
F. If the handler is not willing to accept the responsibilities associated with the ownership of the department canine, then the department shall make arrangements for adoption or euthanasia. The veterinarian who performs the euthanasia will dispose of the canine unless, and only with the approval of the Chief of Police, a third party makes it known to the department that they want to finance the euthanasia and pay the burial fees.

Chief of Police
Shane Collins
PURPOSE
This order is a plan for handling a bomb threat or emergency.

POLICY
It is Department policy to ensure the safety of members and the public during actual or potential use/presence of explosives.

DEFINITIONS
A. Bomb Threat: message warning of/claims presence of bomb(s).
B. Explosive Device: device capable of producing damage, injury or death to property/persons when detonated or ignited; may be classified as incendiary or explosive.

I. PROCEDURES
A. Ascertaining details from the bomb threat caller.
   a. LEDC will obtain as much data as possible from persons reporting explosives in reference to type, time, place, and regarding the caller such as male/female, age, etc.
   b. LEDC will trace the call for caller location and will respond accordingly.
B. Notification of appropriate command personnel.
   a. LEDC will dispatch the following units:
      i. Fire Department
      ii. Police officer
      iii. Supervisor
   b. LEDC will:
      i. Dispatch units as requested.
      ii. Determine who the building owner/manager is and provide such data to responding units; attempt to notify the building owner/manager if it is closed.
   c. Responding personnel:
      i. Report to the command post/staging area for duties.
      ii. Cease use of radios within 1000’ of the scene.
      iii. Not clear without authorization.
C. Formation of a security perimeter.
   a. Responding members will secure an inner perimeter.
   b. Fire Department, outside police agencies may be used for traffic control.
   c. Barricades may be used to control access.
D. Communication procedures.
   • NO Radio, Cellphones, or Pager communications within 1000’ of the building are allowed. Use of phones/cell phones is on an as need basis.
E. Organization of search teams.
• The Fire Department will advise the building executive that it is his/her decision whether to evacuate/search. S/he will be told that a knowledgeable employee MUST be with the Fire Department if a search is made. NO members may search a building for such a device unless a knowledgeable employee assists the search.

F. News media access.
• Access to the inner perimeter is denied to non-authorized persons for their safety. The on-scene supervisor will give the media their limitations and advise the staging area location.

G. Notification procedures for bomb disposal personnel.
• LEDC notifies: Dane County Sheriff's Office will be contacted for further support.

H. Evacuation policy.
• It is the building executive's decision to evacuate the building. Once evacuated, the Fire Department will advise that person when evacuated persons may go back in. If searched without evacuation and a suspected explosive is located, the building will be evacuated.

I. Coordination with investigators or evidence specialists.
   a. The Fire Department is the primary responding unit.
      i. The Fire Department is OIC until an explosive is located.
      ii. A command post will be established a minimum of 1000' from the building or suspected location.
      iii. Fire personnel will meet with building executives regarding bomb threat procedures.
      iv. If a suspicious device is located, it will be left where located, the area cleared of persons, a phone in a separate area should be used to notify the command post, and an evacuation will occur.
      v. When a device is located and the evacuation is done the incident is turned over to HPD.
   b. Bomb Disposal Team.
      i. Notification will be made via authorization of the Chief or Lieutenant.
      ii. Personnel will cooperate; the supervisor will request all components, drawings and related data upon the conclusion of the incident.

J. Reviewed annually.
• This order is reviewed annually/jointly with Police and Fire personnel

Chief of Police
Shane Collins
INDEX AS: Open Records
Release of Information

PURPOSE: The purpose of this Policy & Procedure is to provide guidance to employees of the Holmen Police Department (HPD) on the proper procedures to release information collected by the HPD to ensure compliance with Wisconsin State Statutes and the Driver’s Privacy Protection Act (DPPA).

This Policy consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. RELEASE OF INFORMATION BY PERMISSION OF POLICE CHIEF ONLY
IV. PROCEDURES
V. RECORDS ACCESSIBILITY

I. POLICY

It is the policy of the Holmen Police Department (HPD) that all persons are entitled to reasonable access to information regarding the affairs of the HPD. Records are presumed to be open to inspection and copying with few exceptions and that requirements of the public records law apply to records that exist at the time a public records request is made.

II. DEFINITIONS

AUTHORITY: Has the meaning specified in WI §19.32(1)

EMPLOYEE: Has the meaning specified in WI §19.32(1bg)
**RECORD**: Has the meaning specified in WI §19.32(2) Records do not include drafts, notes, preliminary computations, and like materials as stated in WI §19.32(2).

**REQUESTOR**: Has the meaning specified in WI §19.32(2)

### III. RELEASE OF INFORMATION BY POLICE CHIEF ONLY

A. The police chief is designated as the legal custodian of all Departmental records.

1. Generally, the Holmen Police Department will accept release of information requests in person or by telephone during regular business hours specified in the “Department Notice”.

2. Faxed or on-line requests will be addressed the next business day.

3. The “Open Records Request” form should be completed in its entirety, if possible, by the requestor or an employee taking the request.
   - a. The requestor does not have to provide their identity when making the request, unless the record has restricted access and may only be released to someone statutorily authorized to obtain the information. (e.g. custodial parent for juvenile information)
   - b. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under WI §19.37

B. Since the police chief bears the full responsibility for the lawful and orderly operation of the Holmen Police Department, any and all information will only be released by the police chief, Lieutenant or his/her authorized designee. Furthermore, information relating to cases which may involve potential civil liability for the Department shall not be released before being approved for release by the Village’s legal counsel.

C. No official document and/or report, handwritten documentation, or verbal information pertaining to juveniles, driving records and criminal histories shall be released by any employee of this Department to any party without expressed permission of the police chief. The only exception is a request from another law enforcement agency. This shall apply to either juvenile or adult information release requests.

### IV. PROCEDURES

A. In accordance with WI §19.34(1) the following notice will be prominently displayed at the front window of the HPD. This notice has been adopted by this authority and is available for public inspection and/or copying upon request.
The authority which has adopted this notice is described as follows:

HOLMEN POLICE DEPARTMENT.

Records of this authority shall be available at the following times and places: Holmen Police Dept., 119 Wall Street W., from 8:00 a.m. to 4:30 p.m. Monday – Friday, excluding Holidays. Records can be requested on the Holmen Police Department web page. On-line records will be processed during normal business hours.

The legal custodian of the records for this authority is: POLICE CHIEF or his/her designee in his absence.

Any member of the public who desires to obtain information and access to the records in the custody of this department, or who desires to make a request for records or obtain copies of records, or obtain information regarding the costs thereof, should contact the legal custodian named above.

B. The following steps will be followed for all release of information requests:

1. Request received. The Department form needs to be completed for tracking of date/time received; time to process; response to requestor; reason if denied or items redacted and reasonable fee charged.

2. Review the form for the information being requested.
   a. Determine if the record actually exists.
   b. What type of format is the information in? Formats include but are not limited to incident report, audio and/or video recording.
   c. Is the requester prohibited from accessing the record pursuant to statute or court decision?
   d. Does the balancing test compel access to the record?

3. Respond to the request within a reasonable time limit letting the requestor know approximately how long it will take to fulfill the request if the information is not readily available.

4. Retrieve the requested information and review the contents to determine if the information can/should be released.

5. Redact exempted information, if appropriate.

6. Explain basis for denial of release or exempted information through a letter to the requestor that will be filed with the Department form.

7. Calculate reasonable fee and contact the requestor. Copies will be made available after the requestor has paid a reasonable fee as authorized under WI §19.35(3)
8. Inform the requestor of the right to appeal if the information was denied.

9. File completed request form as this is a record

C. Media Relations
   1. Information will generally be released to the media in one of three fashions; review of daily reports, distribution of a formal news release or personal interview.
      
      a. Media representatives will have access to report summaries on a daily basis. These summaries will be maintained in the front office.
      b. For events of a significant nature, a formal news release will be drafted. A copy of the release will be included with the daily summaries and a copy will be faxed to dispatch and the media.
      c. During normal business hours, the Chief or his/her designee will complete the media release. In the absence of the Chief, the Lieutenant will assume responsibility for the release.
      d. After normal business hours and on weekends, the on-duty or on-call supervisor will complete a formal news release, if necessary.
      f. In certain instances, media representatives may request to speak with department members who possess specific knowledge about a particular newsworthy topic. The Chief of Police or the officer’s supervisor must approve such interviews. Release of information during an interview should follow guidelines established in this policy.
      g. Upon the occurrence of a major event, the Chief (or his/her designee) will contact the local media representatives to arrange a news conference.
      h. As a general rule, employees are discouraged from releasing information over the telephone. However, recognizing the need to maintain a good working relationship with the media, the following guidelines shall be established for limited telephonic release of information.
         (1) Only the Chief or Lieutenant will release information over the telephone.
         (2) Front office personnel may release information as to the nature of the event, general location (i.e. north side) and name of supervisor in charge.
         (3) When telephones have been transferred to La Crosse County Dispatch (i.e. after business hours), dispatchers may release information as to the nature of the event, general location and the name of the supervisor in charge.
         (4) The person releasing the information shall ascertain the caller’s name and news organization.
5. In the case of major fires, natural disasters, major crime scenes, etc., the department will make every effort to allow media access for photographs and video tapes within the limitations of public safety and crime scene integrity.

6. During such situations, a single designated area will be established at which media representatives will be provided information. All inquiring media representatives will be directed to that location.

7. The Chief will designate a media liaison who will be assigned to the scene of such emergencies to handle matters related to the media, and all media requests for information should be directed to the media liaison.

IV. RECORDS ACCESSIBILITY

A. Except as otherwise provided by law, any requestor has a right to inspect any record. Exceptions are provided in WI §19.35(1)(am) and WI §19.36(2)-(13).

B. The following are potential reasons for justification of the denial to release information: (Note the list is not all inclusive).

1. The case is still under investigation and release of information may jeopardize the investigation.

2. Juvenile police records. Law enforcement records relating to juveniles are controlled by State Statute 938.396(1), which generally says, subject to exceptions, juvenile police records are to be confidential.

3. Information relating to confidential police informants.

4. Reports concerning reference to polygraph examinations.

5. When information in the report could endanger an individual's life or safety.

6. Personnel files of any department employee internal investigation documents.

7. Materials prepared for the originator's personal use or prepared by the originator in the name of the person for whom the originator is working.

8. The Chief of Police or his/her designee shall act upon requests for information regarding department policies and/or procedures.


   a. If the Department receives a request for information that contains specific information including but not limited to a name, address, telephone number, voice recording, or handwriting sample, which, if disclosed, would identify an informant, the Department, in accordance with WI §19.36(8)(b), shall delete the portion of the record in which the information is contained.
or if no portion of the record can be inspected or copied without identifying the informant, the department shall withhold the record unless the police chief makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.

b. "Informant" means an individual who requests confidentiality in conjunction with providing information, or pursuant to an express promise of confidentiality, or under circumstances in which a promise of confidentiality would be reasonably implied, provides information or is working with the Department to obtain information related in any case to any of the following:

1) Another person who the individual or the Department suspects has violated, is violating, or will violate a federal law, a law of any state, or an ordinance of any local government.

2) Past, present, or future activities that the individual or the Department believes may violate a federal law, a law of any state, or an ordinance of any local government.

10. Confidential status of children's records under Wisconsin Statute 938.396 or as amended.


12. Nondisclosure of hearsay or rumored information which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person to whom such information pertains.

13. Nondisclosure of law enforcement investigative techniques or procedures.

14. Reasonable belief in illegal purpose of the request for information.

15. Pupil records shared by the Holmen Community School District specified in the Memorandum of Understanding with the School District.

16. Release of Driver Record information as prescribed in the DPPA, 18 U.S.C. §2721-2725. (see WI §343.24 for information on how Department of Transportation file may be obtained)

a. Requests for accident reports will require a "DRIVER’S PRIVACY PROTECTION ACT CERTIFICATION" to be completed prior to an unredacted release of an accident report as required in the DPPA.
C. Facilities
   1. A requester must be provided facilities for inspection and copying of requested records comparable to those used by the authority’s employees.
   2. The police chief may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

VII. Personal Records

   1. Any electronic device, such as a computer or phone with correspondents from a work related issue (may be subject to an open records request)
      a. An officer on personal time using texts or emails on his/her personal device, could have the device subpoenaed according to open records law by an attorney, if the text or emails were pertaining to an incident while the officer was on duty.
      b. An officer on duty using his/hers personal device for text or emails may have the device subpoenaed from an attorney pertaining to open records law.

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 10/20/2016
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: REPORT WRITING NUMBER: 11.2
SCOPE: ALL DEPARTMENT PERSONNEL ISSUED: 03/01/2012
DISTRIBUTION: POLICY & PROCEDURE MANUAL REVIEWED: 03/26/2017

POLICY
It is the policy of the Holmen Police Department to have all personnel write reports in a standardized manner. In writing reports officers will gather all relevant information and use headers to separate each section of report. In using headers officer information within report will be easily accessed by others looking for pertinent information.

PROCEDURE
A. Note Taking
   1. Obtain all information for involvements including phone number and work information. (address, cell/home/work number, d/o/b)
   2. Written statements should be obtained.
B. Incident Report Contain:
   1. Who
      a. Victims
      b. Suspects
      c. Witnesses
   2. What
      a. Facts
      b. What happened?
   3. When
   4. Where
   5. Why
      a. Motive
   6. How
      a. Method

II. Reports
   A. Typed
   B. Chronological order
   C. Break up reports by using headers and calling for “New Paragraph”
      1. Summary
      2. Initial Call
      3. Subject Contact/Initial Interviews
         a. Examples are Contact with John Doe, Contact with Jane Doe, Re-contact with John Doe, Re-contact with Jane Doe ect.
      4. Arrest
      5. Evidence
      6. Vehicle
      7. Disposition
         a. The disposition should include actions taken, what charges are and the statute number listed after each charge
b. Where subject was taken to or who subject was released to  
c. List if follow-up is needed  
8. Example of Headers (initial call, contact John Doe, contact with Jane Doe, Re-contact, Lutheran, Mayo, additional information, arrest, vehicle, evidence, disposition)  
9. Any other categories needed  
D. Spell check  
E. Limit reports to pertinent information and fact only  
F. Use "quotes"  
G. Avoid using said, stated, asked repeatedly throughout report.  
H. Listed items  
   1. Items stolen, damage, found, lost, and etc. that are listed in report should be in listed in bullet style  
   2. These items also will be listed by officer on cover page of report with value of item and value of recovered item  

III. Follow-Ups  
A. Report that is in need of completion  
   1. Advise co-workers and supervisors  
   2. If can’t complete pass to co-worker or supervisor to distribute  
B. Completing follow-ups  
   1. If given a follow-up notify initial officer of completion and results  

IV. Reports  
A. DA Data Sheets on criminal arrests and criminal traffic offenses  
B. Include 10-27’s and 10-28’s  
C. Criminal histories  
D. Statements  

Reports that include arrest to jail (does not bond out) or any type of immediate follow up for the next shift or the following day need to be completed before the officer ends his/her shift.  

Chief of Police  
Shane Collins
PURPOSE
From time to time, Department of Defense equipment and property becomes available for purchase by law enforcement agencies. The purpose of this policy is to have a plan to dispose of purchased property in accordance with the conditions established by the Department of Defense.

POLICY
The Holmen Police Department shall dispose/destroy equipment in the proper manner, and insures that each item will be properly documented on the inventory as to the date, location of disposal.

PROCEDURE

I. EQUIPMENT DISPOSAL
   A. The Chief of Police will inventory all equipment upon receipt of property from the respective DRMO. The inventory will consist of acquisition date, current location of equipment/property and, if disposed, the date, location, and responsible individual for disposal/destruction.
   B. Property obtained from respective DRMOs will be placed into use within one year of receipt and utilized for a minimum of one year, unless the condition of the property renders it unusable.
   C. The Chief of Police will dispose of or destroy the equipment/property received from the respective DRMOs by:
      1. Discarding in trash;
      2. Auction/bid process;
      3. Returning demilitarized property to the respective DRMO.
   D. At the time of disposal/destruction, the Chief of Police will ensure that each item is properly documented on the inventory as to date, location, and responsible individual for disposal/destruction.

Chief of Police
Shane Collins
The Wisconsin Department of Justice Crime Information Bureau (CIB) operates the TIME System (Transaction Information for Management of Enforcement). La Crosse County Emergency Dispatch Center (LEDC) maintains the TIME System and provides access to NCIC and CIB for the law enforcement agencies within La Crosse County. The information received through the TIME System is to be used for law enforcement purposes only.

**PROCEDURE**

**TIME SYSTEM RECORDED INFORMATION:**

1. Any information received through the TIME System (reference records checks, criminal histories, etc) will not be disseminated (hard copy) to other agencies or individuals except the District Attorney's Office or other prosecuting attorneys for La Crosse County.
2. You may share this information verbally when working with other agencies on a need to know basis but do not give them the hard copy. If they need a copy, their department has access to it through LEDC.
3. NO criminal history should remain with any case file or with any file that may at some time become a public record.
4. All criminal history records should be destroyed (shredded) when the officer is through with them.
5. If the information is needed again at a later date, the officer can rerun the query. Certain information is defined by statute as Confidential or Sensitive in Nature and not to be released to the public (juvenile reports, sexual assaults, ongoing investigative reports, etc).

**RECORDED AND VERBAL CONFIDENTIAL AND SENSITIVE INFORMATION:**

1. Confidential and sensitive information may be shared with the District Attorney's Office, the Department of Health and Social Services or other law enforcement agencies or individuals on a need to know basis. Requests may come in from other agencies or individuals for this same information. If the officer is unsure as to whether to release information or not, he will check with his supervisor.
2. In some cases a report may be released but must be edited first. In the event a report of this nature is turned over to another agency or individual, the officer doing so will record the facts surrounding the transaction into the control log maintained in the Police Department.
PURPOSE: The purpose of this Policy & Procedure is to establish procedures to ensure that the records of the Holmen Police Department are gathered and maintained in a lawful manner.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. RECORDS REPOSITORY
IV. INCIDENT REPORTING
V. MASTER NAME FILE
VI. TRAFFIC CITATION RECORDS MAINTENANCE
I. POLICY

It is the policy of the Holmen Police Department that official records be generated and maintained to document all police activity; whether originated by a citizen or a department member.

The Holmen Police Department recognizes that its undertakings are matters of continuing interest and concern to the community. Acknowledging this fact, it is the policy of the Holmen Police Department to provide all interested citizens with timely and accurate information regarding department activities while adhering to prescribed guidelines in the Department’s Open Records Policy, 10.03.

II. DEFINITIONS

_RECORD_: Any incident report, supplement report, traffic accident report, driver’s record, wanted record, criminal history record, traffic citation, vehicle registration inquiry, teletype message, probation parole record, or document generated by the Department. The term “record” includes those records on hard copy and those stored in computer files and accessed by fixed or mobile computer terminals.

III. RECORDS SECURITY 10.1.1.3

A. The Village of Holmen ordinance, Policy 11.1 designates the police chief as the legal records custodian for the police department.

1. The police chief or his/her designee has the responsibility for ensuring the integrity and security of the records system, which includes processing records; maintaining a secure repository; maintaining a records retention schedule; providing records access to department personnel; and handling requests for release of information contained in department records.

a. The administrative assistant shall be responsible for the processing and storage of all original records except Intelligence files and evidence forms which shall be the responsibility of the property officer.

b. Computerized records can be accessed from any department workstation; however, access is allowed only by those personnel who have been granted security to enter the department computer system.

c. Paper records can be accessed from department file cabinets by authorized personnel only. Doors to the police department will remain closed and locked with access allowed only to those personnel who have been granted security access to the department.

d. Authorization for inspection of department records shall come from the police chief or his/her designee.

2. Employees shall treat as confidential all information which they gain through their employment; safeguarding the information as privileged. Employees shall disseminate information within the established guidelines contained in
Department policies and applicable Wisconsin State Statute (938.396).

3. All person(s) requesting the release of records containing juvenile information in accordance with Wisconsin State Statute(s) must take possession of records in person from the Holmen Police Department.

B. Police department personnel shall have access to records 24 hours per day, 7 days per week.
   1. Official records will not be removed from the Holmen Police Department by any member of the organization, unless directed by this policy or with the express permission of the police chief.
   2. If a record is pulled from a file, the record shall be returned to the administrative assistant for re-filing.

C. (10.1.1.1)-(10.1.1.3) Juvenile information, including but not limited to, incident reports, photographs, fingerprints and other methods of identification, criminal history, and contact history shall be maintained separately from adult records in conformance with the juvenile code requirements.
   1. All records involving juveniles contained in the computerized records management system will be prominently marked.
   2. All records involving juveniles contained in the paper file system will be prominently marked.
   3. Access to these records will be allowed only to sworn personnel of the department and those non-sworn records personnel designated by the police chief.

D. All paper reports with the exception of citations are filed in the appropriate file in the records storage area by their respective unique incident number. Citations are filed alphabetically by the violator’s last name.

E. All dispositions on cases shall be entered into the department’s computer system as soon as practicable.

F. All records generated by the Holmen Police Department and shared with the La Crosse County Emergency Dispatch Center’s software, are the property of the Holmen Police Department and their release will be handled in accordance with Department policy 11.1.

G. The Village of Holmen and/or the Holmen Police Department are not records custodians of the records stored on the shared records server generated by other law enforcement agencies in La Crosse County and not subject to open record requests received by the Village of Holmen and/or the Holmen Police Department.
IV. INCIDENT REPORTING

A. All calls for service handled by the Department, whether in response to a request from a citizen or resulting from self-initiated activity, will be documented in the Department’s records management system. These calls include, but are not limited to:

1. Citizen reports of a crime.
2. Criminal and non-criminal cases initiated by department employees.
3. Any incident involving an arrest, citation, or summons.
4. Citizen reports of incidents other than crimes.
5. Any incident resulting in an employee being dispatched or assigned.

B. All calls for service shall be assigned a unique sequential incident report number generated by the La Crosse Emergency Dispatch Center using the Computer Aided Dispatch (CAD) system. Officers may “self-initiate” a call for service using the CAD system when the LCEDC is unable to due to call volume or emergency situation. Officers will ensure the accuracy of the incident location and never “bypass” the geographic verification.

1. The CAD system generates a number which relates directly to that police contact, contact date, in the order of that received, and the officer assigned.
2. From time to time calls for service are duplicated in the CAD system. When this happens, those duplicate call numbers will be re-used for calls for service received at the front desk of the police department. Officers will then update the information the CAD software to reflect the correct incident location and type of call.
3. The administrative assistant or other records person will be responsible for entering CAD generated information into the records management system.

C. If two or more persons report the same activity, it should be documented only once.

D. Police activity shall be documented in accordance with the Department’s Report Writing Guide. Officers’ daily activity will be recorded on the Patrol Activity Log.

E. All reports shall be completed using the standardized Department report forms or the Traffic and Criminal Software (TraCS). Reports include, but are not limited to:

1. Incident Report narrative;
2. Supplemental Report narrative;
3. Wisconsin State Traffic Accident Form;
4. Wisconsin Non-Traffic Citations;
5. Wisconsin Uniform Traffic Citations;
6. Parking Tickets;
7. Lockouts / Motorist Assists
8. Traffic/Ordinance Warnings
9. Non-Consent / Property Form
10. Witness Statement Form
11. Property/Evidence Inventory Form

F. Officers shall type narrative reports. In some cases, officers may dictate narrative reports which will then be transcribed by a records person or voice recognition software. Narrative reports will be transferred by a records person into the Department’s records management system after review and approval.

G. All reports shall be completed prior to the end of an officer’s shift, if any of the following circumstances apply:
   1. All death investigations;
   2. All investigations that result in the incarceration of a suspect held for charging;
   3. All major crimes, serious incidents, and serious motor vehicle crashes;
   4. Any report that the officer is unable to complete on the next consecutive calendar day (prior to days off or vacation).

H. All reports shall be reviewed by the police chief or his/her designee to ensure accuracy and completeness. If changes or corrections are required, the police chief or his/her designee shall refer the report back to the appropriate officer for the necessary corrections.

V. MASTER NAME INDEX FILE
   A. The department maintains an alphabetical master name index (MNI) file in the Department’s computerized records management system. This function checks all records, with the exception of intelligence files, for the name or business specified.

   B. All contacts with persons or businesses that are documented through the use of Department incident reports, accident reports, citations or standardized Department forms will be entered into the MNI file. These include, but are not limited to: arrestees, victims, complainants, reporting persons, suspects, witnesses, etc.

   C. The master name file contains:
      1. Basic information for businesses including: business name, contact person, address, and telephone number;
      2. Basic information for individuals including: the person’s name (first, last and M.I.), address, date of birth, phone number, social security number, driver’s
license numbers, and physical descriptions.
3. The history of all documented Department contacts with each person/business in the system.
4. The criminal history file for each person arrested by the Department.
   a. The department maintains juvenile and adult criminal history files separately in the department’s computerized records management system. In addition, juvenile incidents are prominently marked in the computerized records management system as well as the file drawer
   b. A unique processing number is assigned to each person arrested and booked into the La Crosse County Sheriff’s Department Jail. The booking number is assigned by the Sheriff’s Department. All arrested persons incarcerated at the La Crosse County Sheriff’s Department Jail by Department officers are photographed and fingerprinted by Sheriff’s Department corrections officers.
5. Warrants issued on arrested persons are forwarded to the LCCEDC for entry into the TIME System. Original warrants are maintained at the LCCEDC and are accessible 24 hours a day. Only copies of warrants are maintained at HPD. Warrant validation/cancellation is done by the LCCEDC. Officers will refer to Department Policy 11.4 for complete TIME System requirements and procedures.

D. The department maintains an index of stolen, found, recovered, and evidentiary property in the department’s computerized records management system.

VI. TRAFFIC CITATION RECORDS MAINTENANCE
A. All paper traffic citation forms are kept in the administrative office and maintained by the police chief or his/her designee.
   1. Electronic citations are maintained in the TraCS System.

B. Any lost, stolen, or voided citations issued shall be reported in person or email to the police chief or Lieutenant explaining the circumstances.

C. All completed citations shall be forwarded by to the records person for entry into the computerized records management system and for filing.

D. Citations are filed by case number.

E. All electronically generated traffic citations, warnings, summonses, etc. will be maintained by the police chief or his/her designee per the Wisconsin Department of Transportation and TraCS system policies.
Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 09/07/2016
PURPOSE: The purpose of this Policy & Procedure is to establish a retention schedule, as well as destruction procedures, for Holmen Police Department records.

This Policy & Procedure consists of the following numbered sections:

I. POLICY
II. DEFINITIONS
III. PROCEDURE

I. POLICY

It is the policy of the Holmen Police Department that official records shall be retained in accordance with provisions established by Village Ordinance and Wisconsin State Statutes.

II. DEFINITIONS

HOLD: A status ensuring a record may not be destroyed even though the record retention period has concluded.

INDEFINITE: A term used in records retention schedules to indicate the retention period for certain records cannot be determined and these records must be reviewed periodically to determine whether they can be destroyed.

RECORD: Has the meaning specified in s. 19.32(2).
III. PROCEDURE

A. Management of the Records Retention Program.
   1. The police chief shall be responsible for the retention and disposal of records.

B. Legal Considerations
   1. WI §19.21(4)(a) requires that prior to the destruction of obsolete public records, a minimum of a 60 day notice of such destruction shall be given, in writing, to the Wisconsin State Historical Society. The Historical Society may in some instances waive the required statutory notification.
   2. WI §19.21(4)(b) requires the preservation of public records for 7 years, unless a shorter period has been set by statute or by the State Public Records Board.
   3. Any public record may be kept and preserved by the use of microfilm or other reproductive device. Any microfilm reproduction of an original record, or a copy generated from an original record stored in optical disk or electronic format, is deemed an original public record if it meets the applicable standards of WI §16.61(7). Once reproduced by photographic reproduction, the original document may be destroyed or otherwise disposed of.

C. Records Retention Schedule
   1. Department records will be retained in accordance with the Village of Holmen Municipal Code Chapter 140 and Wisconsin State Statutes.

D. Exceptions to Retention Schedule
   1. Any record for which there is reason to believe litigation may be pending should not be destroyed, regardless of whether the retention period has concluded. Such records should be placed on a hold status until all litigation has concluded.
      a. In order to ensure that electronic recordings of any person are available if litigation occurs, the Department will preserve recordings made during the investigation of a crime until every person in custody as a result of the conviction, adjudication or commitment for that crime has reached his or her discharge date. Recordings in unsolved/uncharged investigations should be preserved until the statute of limitation for that offense has expired.
   2. Any record deemed appropriate by the police chief may be placed on a hold status until such time as the police chief approves its disposal.

E. Destruction Procedure
   1. At least 60 days prior to the planned destruction of public records, written notification of the destruction should be sent to:

      Wisconsin State Historical Society
      816 State Street
      Madison, WI  53706
No notification is necessary if a waiver has been made.

2. When the period specified in the records retention policy ends, records meeting the criteria for destruction should be destroyed as soon as practical.

Shane Collins
Police Chief

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 02/06/2017
POLICY & PROCEDURES
HOLMEN POLICE DEPARTMENT

SUBJECT: MOBILE DATA COMPUTERS
NUMBER: 12.1

SCOPE: ALL DEPARTMENT PERSONNEL
ISSUED: 03/01/2012

DISTRIBUTION: POLICY & PROCEDURE MANUAL
REVIEWED: 03/26/2017

POLICY
It is the Department’s policy to provide its employees with access to information sources that will increase employee safety, efficiency as well as give timely access to information. The use of the Department’s Mobile Computers will be in conformance with State Department of Justice, TIME Center and our rules and regulations.

PURPOSE
The purpose of this policy is to establish procedures for the use and maintenance of Mobile Data Computers.

DEFINITIONS
☐ MDC: Mobile Data Computer
☐ CAD: Computer Aided Dispatch
☐ TIME: Transaction Information for Management Enforcement
☐ CIB: Crime Information Bureau
☐ CHRI: Criminal History Record Information

PROCEDURE
1. Training
   a. Before operating an MDC, users shall receive training by state authorized instructors for CIB/TIME.
2. MDC Security
   a. All messages transmitted and received on the MDC’s are intended for law enforcement purposes. Federal and State laws, along with departmental policies prohibit the release of certain information to the general public.
   b. While the information transmitted and received on MDC’s is often confidential, messages and other communications may be available to the public by discovery motions or open records laws.
   c. If you run an individual’s criminal history, you will need to indicate the purpose of the check. This will be done in the attention line and can be accomplished by indicating the related case number or with a short narrative. Due to accountability issues, printed criminal history’s will not be given out to other agencies or individuals.

Note: If you run a criminal history you are responsible for explaining the reason for it if a CIB representative should inquire.
3. Use of MDC’s
   a. Patrol personnel shall log onto the MDC at the start of their shift and log off at the end of their shift. The log-in/log-off procedure does not relieve the employee from their responsibility for calling in/out of service via the radio.
   b. At the end of each shift the employee will shut down the MDC if the car is not going to be used by another officer. This will avoid draining the vehicles battery.
   c. Vehicle operators shall use extreme caution if operating the MDC while the vehicle is in motion. Operating an MDC while the vehicle is in motion will not relieve the employee of their responsibility to operate in a safe manner.
   d. Officers shall conduct all routine inquiries via the MDC unless they are away from their vehicle or there are any officer safety concerns.
      1) Whenever an MDC user receives information of a want or warrant, they shall notify the Dispatch Center so that confirmation can occur through established procedures.
      2) MDC users should alert the Dispatch Center if they encounter a revoked, suspended, multiple offense OWI or any time that assistance is needed interpreting a response.
   e. MDC’s do not replace radio communications. Officer safety requires that officers continue to radio in the initiation of traffic stops, field contacts, requests for back-up and any involvement or observation of a potentially dangerous situation.

4. Messaging
   a. The MDC system has the capability of emailing and messaging between units. When utilizing these features users shall be aware that:
      (1) Use of profane, obscene, discriminatory, demeaning or degrading language is prohibited.
      (2) There will be no disparaging comments about other employees or members of the public.

5. Certain information can be made public under open records law.
   a. If an Administrative TIME message is needed, it will be done through the Dispatch Center.
   b. There will be monitoring of the system to ensure that it is being used appropriately.

6. Care and Maintenance
   a. Users shall avoid having liquids or food in proximity to the MDC. The MDC’s shall not be used as a desk, nor shall they be used in a manner that will cause or is likely to cause damage to them.
   b. Periodic cleaning, preventative maintenance shall be done by officers using the computer.
   c. Each user is responsible for thoroughly checking the MDC at the start/end of their shift. If any damage is found they are to notify the supervisor.

Chief of Police
Shane Collins
PURPOSE

Cellular phones in law enforcement have become a very important tool to enhance the communication capabilities of front line personnel conducting Department business; however, limits along with restrictions must be placed on the use of these instruments. The purpose of this policy is to set forth the proper uses as well as the restrictions on the cellular phones located in the fully equipped police vehicles.

OPERATIONS

1. All officers will be the responsibility of each user to follow the operating procedures noted in the User’s Guide for each cellular phone.
2. Any problems, malfunctions, abuses, and questions that arise reference the use of the cellular phone must be brought to the attention of the user’s immediate supervisor.

COSTS AND ACCOUNTING

The Holmen Police Department is billed by the cellular service provider based on the number of minutes utilized for each individual cellular phone. The Holmen Police Department receives a bill every month for each individual cellular unit which provides information indicating the phone number of the receiving cellular unit as well as the date and time used and the duration of the call. Included in this information is a record of both incoming and outgoing calls along with the telephone numbers which correspond with such calls. Both incoming and outgoing calls are billable to the Police Department.

RESTRICTIONS

1. Whenever possible, other methods of communication should be used. The squad radio is the primary source of communication.
2. No personal calls are allowed to be made or received on the cellular phones in the marked patrol vehicles.
3. Try to use office phones whenever possible.
4. Keep calls as short as possible.
5. Utilize a secure phone whenever possible.
6. When asked to call the dispatch center, have the dispatch center call you so there is no time wasted if the dispatcher becomes busy and places you on hold or requests you to stand by.
7. Do not give the cellular phone numbers of the squad out to the public.
8. Care should be given to the exterior cellular antenna when servicing or washing the vehicle.
9. Do not give phone numbers to the public unless an emergency situation arises.

Chief of Police
Shane Collins
PURPOSE
The purpose of this policy is to establish procedures and guidelines for the use of in-car mobile video recording equipment.

DEFINITIONS
□ MVR: Mobile Video Recorder. A system that captures audio and video signals capable of installation in a vehicle. The system includes, at a minimum, a camera, microphone, recorder and monitor.

POLICY
The use of an MVR system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers shall adhere to the operational objectives and protocols within this policy.

PROCEDURES
1) PROGRAM OBJECTIVES

The Holmen Police Department has adopted the use of MVRs to accomplish the following objectives:
   a. To enhance officer safety
   b. To accurately capture statements and events stemming from an incident and to aid the officer in completing their report (evidentiary purposes)

2) GENERAL PROCEDURES

It shall be the responsibility of this department to ensure that the MVR systems are installed according to the manufacturer’s recommendations.
   a. MVR equipment shall automatically activate when emergency equipment (lights and/or siren) is operating. The system can be activated manually or be turned on with the wireless body camera; which is to be worn on your person at all times unless it needs charging.
   b. Placement and operation of the system will meet the manufacturer’s guidelines.
   c. All officers, that are assigned squads with an MVR system, will be shown how to use the equipment.

3) OFFICER’S RESPONSIBILITIES
   a. Officers shall use the MVR system according to the specifications of the manufacture and in accordance with their training.
   b. Prior to the start of each shift, officers shall inspect the system to ensure that it is properly functioning. The inspection includes:
      ▪ Ensuring that the MVR system has power and is ready to record
Ensuring that the wireless body camera has power and is functioning properly
- The video camera is positioned to record properly
- The monitor is functioning and is displaying the correct date/time, etc.
- **The digital storage card shall be downloaded after each shift by the officer.**

c. Malfunctions, damage, failure to download of files or any other problems with the MVR shall be reported, as soon as is practical, to a supervisor and an incident report generated. A copy of the report shall be sent to the Chief and Lieutenant.
d. When completing written reports in which an MVR was used, officers should review the recordings first to ensure that their reports accurately portray what took place.

4) **MANDATORY RECORDINGS**
   a. Traffic stops (to include, but not limited to traffic violations and disabled vehicles)
   b. b) Vehicle Pursuits
   c. c) Suspicious vehicles/persons or “Out with Party” type calls
   d. d) Priority responses, anytime you are running with lights and siren activated, or at a speed higher than the posted limit with lights and siren off.
   e. e) Any situation not covered above, in which an officer’s training and experience would indicate that the incident should be recorded.

5) **OPERATIONAL PROTOCOLS**
   a. With the exception of police radios, officers shall ensure that the volume of other electronic devices within the squad does not interfere with the MVR recording
   b. b) When the MVR is activated to document an incident, it shall not be deactivated until the event has been concluded. Exceptions to this are:
      - The incident is of such duration that the MVR may be deactivated to conserve recording times; and
      - The officer does not reasonably believe that deactivation will result in the loss of critical information; and
      - The intention to stop the recording has been noted by the officer
      - c) The wireless body camera is to be activated to record audio/video when you are in call related contact with subjects outside of the squad
      - d) Officers shall not erase or alter MVR USB keys, MVR flashcards or hard drives

6) **SUPERVISOR’S RESPONSIBILITIES**
   a. Supervisors shall ensure that all employees follow the procedures for the operation of the MVR’s
   b. Supervisors who are advised that there is a problem with, or a malfunction of, an MVR shall ensure that the unit is looked at and repaired by qualified personnel
   c. c) Minor infractions, not criminal in nature, that are observed by a supervisor will be treated as a training opportunity for the officer(s) involved and not as a disciplinary action. Should the behavior or action continue after training, it could then lead to disciplinary or corrective measures being taken
   d. d) When there is a serious incident that occurs, and it is captured on the MVR, the supervisor shall ensure that the recording is safeguarded until such time as it can be properly downloaded. Serious incidents would include but are not limited to: serious crime scenes, departmental shootings, squad involved crashes

7) **RETENTION**
   a) The MVR system has set in place certain categories for retention of video/audio recordings. The following are the categories and retention times:
      - Arrest/pursuit/chapter: 7 years
      - Ord/Traffic Citation: 1 year
      - K-9 sniff: 1 year
      - Traffic Warning: 120 days
      - Traffic Crash: 120 days
      - Other/General: 120 days
      - Use of Force: Indefinitely
      - Internal Affairs: Permanent
b) When officers download recordings after each shift they shall place a call type on the recording. If an arrest was made the officer shall note in his/her reports and an email sent to the system administrator that an original recording should be copied and placed with the report.

c) If the officer believes a copy of a recording should be copied they shall notify the system administrator of this recording and also note in their report.

d) No recordings shall be released without the consent of the Chief or Lieutenant.

8) STORAGE AND COPIES OF MVR DATA

a. The Chief will appoint an MVR Technician who will be responsible for overseeing the video and audio recordings that are downloaded from the MVR’s. They will also be responsible for making copies of the recordings should it be necessary.

b. All MVR video and audio recordings are property of this department. Dissemination of these recordings outside of the agency is strictly prohibited; unless it is authorized by the Chief. An exception to this would be for approved staff to send the recordings to the District Attorney’s Office for court purposes.

c. Pursuant to Wisconsin’s open records laws, copies of video and audio recordings may be released to the public. If there are any questions about whether or not the recordings shall be released, the La Crosse County District Attorney’s office will be consulted. The department will have in place a fee for the duplication. This fee will include the cost of materials and the costs of the reproduction effort.

Chief of Police
Shane Collins
PURPOSE

This order establishes responsibilities for Crime Information Bureau (CIB)/ National Crime Information Center (NCIC) records.

POLICY

It is policy that the department shall have an accurate method for entry, cancellation, validation, and follow-up of information eligible for participation within the CIB/NCIC records system.

I. DISCUSSION

II. DEFINITIONS

III. PROCEDURE

A. Officer responsibility includes the gathering of essential preliminary information for purposes of entering and canceling information within CIB/NCIC by dispatch personnel.

B. Reviewing supervisors will ensure the content of data contains pertinent information regarding one of the following categories:
   1. Apprehensions (for criminal history information)
   2. Vehicles and boats/motors
   3. Firearms
   4. Securities
   5. Missing persons

C. Wants/warrants

   The Chief/Lieutenant is responsible as the department validation officer for monthly validations, purging data and re-entry if needed.

D. The Chief and Lieutenant will assign an investigator to follow-up on property loss incidents of a minor nature with a victim contact and supplementary report. The investigator will also follow-up on missing persons that have remained active for more than 30 days by contacting the person who filed the report for further information. Further loss/recovery of CIB property/information must be coordinated between the Chief/Lieutenant and the Clerical Staff to insure that CIB data is up to date.

E. Violations of TIME System, including CIB and NCIC, policies and procedures will result in disciplinary action, including prosecution, consistent with Department policies and procedures.
The Holmen Police Department has adopted the CJIS Security Policy for the TIME System Policy.

IV. Intent

The rapid and efficient exchange of information between law enforcement agencies has long been recognized as one of the major necessary elements of crime control and apprehension. The Transaction Information for the Management of Enforcement (TIME) System provides a central system for the collection and dissemination of information of mutual concern to law enforcement agencies. Portions of information from the TIME System are maintained solely for reasons of officer safety.

In addition to rapid and efficient exchange of information, it is also essential that the information exchanged be accurate and complete. The TIME System is a central repository for information submitted by its contributors, who are responsible for the information entered, updated and cancelled. Each agency providing access to its files is solely responsible for the information contained therein.

The TIME System provides an efficient and expeditious means by which the procurement, exchange and transmission of information with law enforcement agencies state and nationwide is accomplished. The system also provides an effective method of administrative communication for law enforcement purposes. The TIME System is interfaced with numerous local, state and national agencies, departments, and files. It is of vital importance that regulations pertaining to its use be complied with to ensure individual rights are not violated and to minimize issues of liability. Data service agencies have agreed to make information available to law enforcement and criminal justice over the TIME and NCIC Systems for the specific purpose of facilitating the administration of criminal justice. Any misuse of this information or violations of these understandings jeopardizes the availability of information for all participating agencies. The systems and the information contained therein must be protected from possible physical, natural and hardware vulnerabilities. The FBI’s CJIS Security Policy establishes minimum information security requirements, guidelines and agreements reflecting the will of law enforcement and criminal justice agencies for protecting the sources, transmission, storage and generation of criminal justice information. This department has adopted the CJIS Security Policy as the department’s security policy.

User agencies must also remember that data obtained from the TIME System may not be the property of the inquiring agency to release or disseminate to non-law enforcement agencies or personnel. Strict controls must be in place to ensure that improper or even unlawful release of information does not occur.

A member of the public cannot request information directly from the TIME System. If a member of the public wishes to obtain information from one of the files available via the TIME System, the requester must contact the agency that owns the file (i.e. Department of Transportation for driver’s license information, CIB for Wisconsin adult criminal history, etc.). Public records rules apply to requests for existing TIME System responses that were obtained in pursuance to the criminal justice or law enforcement agency’s official duties and functions and are contained within agency case files. The TIME System interfaces with data files maintained by various data sources. The ability to disclose information obtained from the TIME System, in response to a public records request for existing records, depends on: 1) any restrictions imposed by the data source or applicable law, and 2) your usual public records analysis. An agency may need to redact non-disclosable confidential data prior to release. Additional information on which data sources restrict or limit disclosure is available on the TIME System manual found at https://wilenet.org/html/cib.

As a subscriber to and user of the TIME System, this agency has agreed to utilize the system for official purposes only. If TIME System data is provided to other authorized agencies, a signed agency agreement will be obtained with those agencies.
V. Probable Cause
A TIME System hit alone is NOT probable cause to arrest. A TIME System hit furnishes the inquirer the fact that a stolen report, missing person report or warrant has been filed and also provides the date of theft, date missing or date of warrant, which are matters to be considered by the receiving officer in arriving at an arrest decision. A hit is one fact that must be added to other facts by the officer in arriving at sufficient legal grounds for probable cause to arrest. Correct procedure demands that the agency, which placed the record in the file, be contacted by the inquiring agency to confirm that the data is accurate and up to date. In some circumstances, the hit confirmed with the originating agency may be the major fact, and indeed, may be the only fact necessary; for instance when a hit on a stolen car or other stolen property is made in a time frame very close to the time of the actual theft or when a hit indicates that a car was recently used in a bank robbery or is in the possession of fugitives.

As the time period increases, the significance of the hit decreases. Thus, a hit on a record a year or two years after the car had been stolen would in itself be inadequate probable cause for an arrest since it would be possible, or even probable, that the vehicle was then in the possession of an innocent purchaser, rather than the thief. To make an arrest under the latter circumstances would require that the officer not only have the fact of the hit but also additional facts adding up to probable cause. A hit confirmed with the originating agency may be adequate grounds to recover stolen property, return a missing person, or arrest a fugitive.

VI. TIME Agency Coordinator
Each agency having TIME System access must designate an individual employed by the criminal justice agency as TIME Agency Coordinator (TAC). Any exceptions must be coordinated with and approved by CIB. The TAC will be responsible for coordinating training of the functions of the terminal, ensuring compliance with National Crime Information Center (NCIC) and Crime Information Bureau (CIB) policy and regulations including validation and other requirements, and format training in conjunction with CIB certification, re-certification and specialized training classes. The TAC will attend CIB TIME System TAC training within one year of appointment as TAC.

VII. Security
Each TIME System agency is responsible for allowing only authorized personnel to operate the TIME terminal and enforce system and data security. The FBI CJIS Security Policy establishes minimum information security requirements to protect information sources, transmission, storage and creation of criminal justice information. The FBI CJIS Security Policy has been adopted by the Crime Information Bureau as the TIME System Security Policy, and as a system user this agency is responsible for meeting the requirements in the CJIS Security Policy. Each agency and user accessing the system is responsible for ensuring the security of the system and criminal justice information.

As part of this responsibility, each terminal agency is responsible for ensuring that the terminal is used to send authorized and official messages only. Any violation of this TIME System policy or misuse of information obtained from the TIME System will subject personnel to any and/or all departmental disciplinary procedures. Any department member who witnesses or has knowledge of a violation of TIME System access or other section of this policy is required to report this violation to a supervisor. A FBI authorized Originating Agency Identifier (ORI) assigned to this agency shall be used in each transaction. This agency will change the Originating Agency Identifier (ORI) of each TIME System transaction to that of the agency and/or user making the request.

Personnel Security/Authorized Personnel
Only authorized personnel will be allowed unescorted access to this agency’s physically secure area. Authorized personnel are those that have meet the following three requirements:
Background Screening

Thorough background screening by this agency of personnel is required. State and national criminal history record checks by fingerprint identification will be conducted, within 30 days upon initial employment or assignment, for all personnel who have authorized access to FBI CJIS Systems and those who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS Systems. The minimum check will include submission of completed applicant fingerprints to the FBI CJIS Division and CIB through the state identification bureau. CIB and NCIC Wanted Person files will also be checked. If the person resides outside Wisconsin, this agency will also check the Nlets criminal history file for the state the person resides in. Sworn personnel who have been fingerprinted and certified by the law enforcement standards board already meet this requirement.

When identification of the applicant or employee has been established by fingerprint comparison and he or she appears to be a wanted person or to have an arrest history for a felony or serious misdemeanor, this agency will delay granting NCIC access until the matter is reviewed by the CJIS Systems Officer (CSO) or designee. If a felony conviction of any kind exists, the hiring authority in this agency will deny systems access. However, the hiring authority may ask for a review by the CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance. Other offenses may be disqualifying at the discretion of this agency or the CSO. (Note: A denial of NCIC access may not be sufficient grounds for denial of employment. This agency must consider the provisions of Chapter 111, Wisconsin Statutes, relating to employment discrimination). If the person already has access to CJIS systems and is subsequently arrested and or convicted, continued access to CJIS will be determined by the CSO.

Security Awareness Training

Security awareness training is required for all personnel who have unescorted access to terminal areas and/or criminal justice information received from the system. Security awareness training is incorporated into the standard TIME System certification level training, but is also available in a separate online module and as a handout for those personnel that do not require TIME System certification.

Authorized Personnel List

This agency will develop and keep current a list of personnel with authorized access to the physically secure location.
System Usage

Users should use the terminal only for those purposes for which they are authorized. The TIME System and CIB/NCIC information is only to be used by authorized law enforcement or criminal justice personnel for law enforcement and/or criminal justice purposes as outlined in CJIS Security Policy Section 5.12. Individuals and agencies are subject to system sanctions for policy violations. Misuse of the TIME System or information obtained from it may be a violation of state or federal laws, individuals and agencies may be subject to criminal and/or other penalties.

Physical Security

The following physical protection policies and procedures will be implemented to ensure criminal justice information and information system hardware, software and media are protected.

Security Perimeter

The perimeter of this agency's physically secure locations will be prominently posted and separated from non-secure locations. This agency will control all physical access points and will verify individual access authorizations before granting access.

Visitors

Visitors must be authenticated before authorizing escorted access to the physically secure location. A visitor is anyone who has not completed the required fingerprint based background check, has not completed security awareness training, and is not on this agency's authorized access list.

Officers from other agencies are considered visitors subject to all visitor requirements unless this agency has verified they have completed the required fingerprint based background check and completed security awareness training. Once such verification has been received in writing from the officer's employing agency specifying by name who has met the requirements, the officer's names will be added to this agency's authorized access list.

This agency will escort visitors at all times and monitor visitor activity.

Access Control for Display Medium

This agency will control physical access to devices that display criminal justice information and will position information system devices in such a way as to prevent unauthorized individuals from accessing and viewing criminal justice information.

Publicly Accessible Computers

Utilizing publicly accessible computers to access, process, store or transmit criminal justice information is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
Identification and Authentication

This agency will identify information system users and processes acting on behalf of users and authenticate the identities of those users or processes as a prerequisite to allowing access to agency information systems or services.

Logins

This agency prohibits users from sharing user identifications or logins. Each individual who is authorized to store, process, and/or transmit criminal justice information will be uniquely identified. A unique identification will also be required for all persons who administer and maintain the system(s) that access criminal justice information or networks leveraged for criminal justice information transit. The unique identification can take the form of a full name, badge number, serial number, or other unique alphanumeric identifier. This agency will require users to identify themselves uniquely before the user is allowed to perform any actions on the system. This agency will ensure that all user IDs belong to currently authorized users. Identification data will be kept current by adding new users and disabling and/or deleting former users.

Passwords

This agency prohibits users from sharing user passwords. This agency will follow the secure password attributes listed below to authenticate an individual’s unique ID. Passwords will:

- Be a minimum length of 8 characters on all systems.
- Not be a dictionary word or proper name.
- Not be the same as the userid.
- Expire within a maximum of every 90 calendar days.
- Not be identical to the previous ten (10) passwords.
- Not be transmitted in the clear outside the secure location.
- Not be displayed when entered.

Unsuccessful Login Attempts

This agency will enforce a limit of no more than 5 consecutive invalid access attempts by a user (attempting to access criminal justice information or systems with access to criminal justice information). In the event more than 5 consecutive invalid access attempts are made, the user account will be locked for at least a 10 minute period unless released by an administrator.

Session Inactivity Lock

The information system will initiate a session lock after a maximum of 30 minutes of inactivity. The session lock will remain in effect until the user reestablishes access using appropriate identification and authentication procedures. Users can directly initiate session lock mechanisms to prevent inadvertent viewing when a device is unattended. A session lock is not a substitute for logging out of the information system. In the interest of officer safety, devices that are: (1) part of a police vehicle; or (2) used to perform dispatch functions and located within a physically secure location, are exempt from this requirement. Note: an example of a session lock is a screen saver with password.

Data Security

Information accessed via the TIME System shall be used only for the purpose for which the request was made. Access is subject to cancellation if information is improperly disseminated. The TIME System will not be used to obtain data for personal reasons. The selling of information obtained from the TIME System is strictly prohibited, and illegal.
This agency accesses TIME System files, but is not the custodian of the records contained in those files. Any public access request for release of those records should be made to the custodian of those records, i.e., the Department of Transportation (DOT), CIB, etc. This department will release data obtained via the TIME System only to those law enforcement or criminal justice agencies with which this department has a signed agreement detailing dissemination of that information.

Storage

Data stored in central repositories such as CIB and NCIC files must be protected from unauthorized access. Data stored in the databases of participating data service agencies are documented justice records or administrative records containing sensitive personal information. These records must be protected to ensure correct, legal and efficient dissemination and use. Each data service has its own rules for secondary dissemination of records. Records obtained via the TIME/NCIC systems must be stored in a secure records environment, inaccessible to the public.

This agency will securely store electronic and physical and paper media within physically secure locations or controlled areas. This agency will restrict access to electronic and physical media to authorized individuals.

This agency recognizes the need for secure storage of electronic media and hardware containing criminal justice information. This agency will ensure that backup procedures, archiving, and storage, whether centralized or de-centralized (off site), meet the security requirements outlined in the CJIS Security Policy.

Transport

This agency will protect and control electronic and physical media during transport outside of controlled areas and restrict the transport of such media to authorized personnel.

Destruction/Disposal

All records must be properly disposed of by shredding, incineration, degaussing or another appropriate secure method. This agency will sanitize or degauss electronic media using approved sanitizing software that ensures a minimal 3-pass wipe prior to disposal or release for reuse. Inoperable electronic media will be destroyed (cut up, shredded, etc.). This agency will maintain written documentation of the steps taken to sanitize or destroy electronic media. This agency will ensure the sanitization or destruction is witnessed or carried out by authorized personnel.

Physical media will be securely disposed of when no longer needed. Physical media will be destroyed by shredding, incineration, etc. This agency will ensure the disposal or destruction is witnessed or carried out by authorized personnel.

Dissemination

Any individual authorized to use the TIME System who receives a request for TIME System information from another individual must be able to confirm the requester’s true identity and ensure the person requesting the information is authorized to receive the data. The correct Originating Agency Identifier (ORI) must be used in each transaction to identify the agency receiving the information to ensure the proper level of access for each transaction.

This agency accesses TIME System files, but is not the custodian of the records contained in those files. Any public access request for release of those records should be made to the custodian of those records. This department will release data obtained via the TIME System only to those law enforcement or criminal justice agencies with which this department has a signed agreement detailing dissemination of that information.
enforcement or criminal justice agencies with which this department has a signed agreement
detailing dissemination of that information.

Each data service has its own rules for secondary dissemination of records, which may include
requirements for logging, identification of the purpose of the request, and identification of the specific
individual receiving the record. Most records may be legitimately disseminated to another criminal
justice employee or agency when the purpose of the request is criminal justice related.

Disclosure of an existing TIME System response contained within a file of the criminal justice agency,
when that file is subject to a public records request, must comply with disclosure restrictions for data
sources, the Wisconsin Public Records Law, and other applicable law. Any secondary dissemination of
information must meet state and federal statutes and or regulations.

Criminal justice information obtained from the TIME/NCIC Systems may not be included in Internet email
transmission unless the email is encrypted to the FIPS 140-2 standard. When email contains sensitive
information, it should be standard practice to label those items as well.

Voice transmission of criminal justice information (via police radio, cellular phone, etc.) is exempt from
the encryption and authentication requirements when an officer determines there is an immediate need
for the information in a situation affecting the safety of the officer or the general public, or the
information is needed immediately to further an investigation.

Fax transmission of criminal justice information is acceptable with certain encryption specifications. Fax
transmission of criminal justice information over a standard phone line is exempt from encryption. If a
facsimile server, application or service which implements email-like technology to send CJI to an external
physically secure location, encryption requirements for CJI in transit must be met (CJIS Security Policy
Section 5.10).

System users should be aware of subjects attempting to obtain access to confidential information via
“social engineering.” Social engineering means manipulating people into doing something or
divulging confidential information. This may include emails from unknown sources, email
attachments containing spyware programs, telephone callers purporting to be from another
authorized agency, etc. When in doubt, system users should verify the source or identity behind the
email, telephone call, etc. before potentially misusing system resources or providing criminal justice
information to unauthorized subjects. All attempts of social engineering should be reported to a
supervisor.

Security Incident Response
A security incident is a violation or possible violation of policy that threatens the confidentiality, integrity
or availability of criminal justice information. There has been an increase in the number of accidental or
malicious computer attacks against both government and private agencies, regardless of whether the
systems are high or low profile.

Indicators of a security incident may include system crashes without a clear reason, new files with novel
or strange names appearing, changes in file lengths or modification dates, unexplained poor system
performance, etc.
If agency personnel notice unusual occurrences on the system, or observe any indicators of a possible
security incident, they should immediately report the possible security incident to their immediate
supervisor, who will contact appropriate agency and/or information security staff. Personnel will follow
the instructions of supervisors and/or information technology personnel regarding appropriate actions to
take to protect the security of the information system.
Agency staff should document any security incidents including possible or attempted security incidents, and ensure the information is promptly reported to the Crime Information Bureau. Evidence of the security incident may need to be collected and retained to conform to the rules of evidence in case of legal action (either civil or criminal).

VIII. Technical Security

Virus/Spam/Spyware and Malicious Code Protection

This agency will employ virus protection mechanisms to detect and eradicate malicious code (e.g., viruses, worms, Trojan horses) at critical points throughout the network and on all workstations, servers and mobile computing devices on the network.

This agency will implement spam and spyware protection. This agency will employ spam protection mechanisms at critical information system entry points (e.g., firewalls, electronic mail servers, remote-access servers), and employ spyware protection at workstations, servers or mobile computing devices on the network.

This agency will ensure malicious code protection is enabled on all critical points and information systems and ensure resident scanning is employed. This agency will ensure malicious code protection is kept current (i.e. most recent update available).

Users should be cautious when downloading internet content or clicking on web-based pop-ups/windows, unknown emails, email attachments or embedded objects. Removable devices such as flash drives, CDs, etc. may also possibly introduce viruses and malware; caution should be used before being introduced to the system. When in doubt, contact a supervisor before downloading content, clicking on pop-ups, or attaching removable devices to the system.

This agency will monitor applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws. System patches will be installed in a timely manner.

Mobile Devices

As digital handheld devices continue to become more integrated into the mobile workforce, security measures must be employed since such devices may be used outside of physically secure locations. Wireless devices, even in physically secure areas, are susceptible to penetration, eavesdropping and malware. Furthermore, compromised or lost wireless devices may introduce risk to the overall security of an agency’s network, criminal justice information and/or the TIME/NCIC Systems.

The use of digital handheld devices and/or laptops to access TIME/NCIC information is allowed, provided the security requirements for such access as outlined in the CJIS Security Policy are implemented. This may include mobile device management, advanced authentication, encryption, security-related updates, official use guidance, data at rest encryption, and prevention of data compromise in case of possible loss of the device. The requirement to use or not use advanced authentication is dependent upon the physical, personnel and technical security controls associated with the user location as specified in the CJIS Security Policy.

Personally owned information systems shall not be authorized to access, process, store or transmit criminal justice information unless the employing agency has established and documented policies and procedures for such use. All devices must be authorized and must meet the requirements set forth by the CJIS Security Policy.

A personal firewall must be employed on all devices that are mobile by design (i.e. laptops, handhelds, personal digital assistants, etc.).
Mobile devices used to access the TIME/NCIC Systems may be agency owned or personally owned. Personally owned equipment used to access the TIME/NCIC Systems or used to access data obtained from those systems must meet all the requirements set forth in the CJIS Security Policy. This agency may allow the use of personally owned devices for system access once specific terms and conditions for such use are established. Such documentation should consider licensing issues, agency control, security requirements, and sanitization of the device if the owner no longer carries out law enforcement duties, etc.

**Account Management**

This agency will keep user logins and accounts current. When a user is terminated, leaves employment or job duties no longer require TIME/NCIC System access the user’s system account will be disabled. This agency will validate information system accounts at least annually and will document the validation.

User TIME/NCIC accounts will be assigned according to the principle of 'least privilege'. Least privilege means giving a user account only those privileges which are essential to perform assigned duties. Assigned authorizations will control access to the system and system information.

Users may only have one active computer session accessing the TIME/NCIC Systems at a time. Multiple concurrent active sessions for one user are prohibited unless a business need for such multiple session access can be documented.

**IX. Training**

Trained personnel are more effective and efficient in the performance of their assigned TIME System responsibilities. In addition, having untrained personnel may subject an agency to potential liabilities. As a TIME System user, this agency has agreed to participate in a system of TIME System operator training and re-certification.

**Initial training**

Each individual using the TIME System or information received via the TIME System will be trained in the operation of equipment, system policies and procedures. This includes field and office personnel that use the system only to relieve terminal operators. The level of training will be based on system use. Initial training will occur within six months of employment or assignment to a position with TIME System access privileges. This training will include a test to affirm the operator’s proficiency and knowledge of data services connected to the TIME System. Prior to this initial training, all TIME terminal users shall read and complete the new operator training.

Security awareness training is required for all personnel who have unescorted access to terminal areas and/or criminal justice information received from the system. Security awareness training is incorporated into the standard TIME System certification level training, but is also available in a separate online module and as a handout for those personnel that do not require TIME System certification.

**Re-certification**

All TIME System users will be retested biennially to reaffirm operating proficiency. Re-certification must be accomplished by the operator’s anniversary date. All operators shall maintain their certification and employees without valid certification will not be allowed to work as a TIME System operator. All personnel who access the TIME System will keep up-to-date on any TIME System changes by reading the TIME System newsletters published by CIB. Security awareness training must also be completed biennially.
X. Data Files

Carry Concealed File

The carry concealed file serves as a means for law enforcement personnel to access the concealed carry database under circumstances authorized by the statutes to check the current status of a license. Wisconsin law is very specific about when law enforcement is authorized to access this information and the requirements for control of the data.

Law enforcement can only check on carry concealed permit status after making an in person request to the subject. The law only allows officers to check on the validity of the license presented to determine if the license is valid or if the individual does not have the card on his or her person, to confirm that the individual holds a valid license, or to investigate whether the person made false statements in the license application or renewal. 175.60(12) (b) 1 and 2.

- This agency will only use the information to confirm that a license or certification card is valid, or if the individual claims to have a license or a certification card but it is not in their possession, to check that the individual has a valid certification card or license, or to investigate whether a person made false statements in their license application or renewal. 175.60(12) A police officer who uses this information for purposes other than those described above, is subject to a criminal penalty of a fine of not more than $500, or imprisonment for not more than 30 days, or both. 175.60(17) (ag)

- This agency shall not store or maintain information regarding an individual that was obtained from DOJ based on the individual’s status as a licensee or certification card holder. This agency, nor any of its employees, may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on an individual’s status as a licensee or holder of a certification card. 175.60(12) A police officer who violates this section is subject to a criminal penalty of a fine of not more than $500, or imprisonment for not more than 30 days or both. 175.60(17) (ag) While the new statute places a premium on confidentiality, it would not seem to preclude placing this information on a report. However, this report should not be flagged or separated in any way to highlight that a subject is a CCW license holder.

- This agency shall abide by all laws and legal opinions provided by DOJ. The DOJ has compiled a list of frequently asked questions (FAQ’s) regarding the concealed carry law and made these questions and their answers available online. Two versions of these FAQ’s exist. The public can find answers to their CCW questions on the DOJ website. Another version of the FAQ’s dealing with issues specific to law enforcement can be found on WILEnet. In addition, the Wisconsin Department of Natural Resources has compiled a list of DNR/hunting specific questions regarding the concealed carry law and made these questions and answers available on their website.

Criminal History Record Information

Criminal History Record Information (CHRI) means information collected by criminal justice agencies on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal criminal charges and disposition arising therefrom, sentencing, correctional supervision and release.

CHRI must be afforded strict privacy consideration by law enforcement and criminal justice agencies. Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI utilize the proper purpose code(s) and identification of the specific individual requesting or receiving the CHRI. This ensures prohibited information is not released to unauthorized persons. CHRI requests are subject to audit and
therefore must be able to be tracked within the department as to final destination and reason for the request.

Individuals wishing to obtain a copy of their record from CIB or the FBI, or other public requests for CHRI will be directed to either CIB or the FBI, as appropriate. Persons requesting Wisconsin CHRI may receive Wisconsin adult criminal history record information under the provisions of the Wisconsin open records law. Information can be obtained by completing the appropriate form, paying the appropriate fees, enclosing a self addressed stamped envelope and contacting:

Wisconsin Department of Justice
Crime Information Bureau
Record Check Unit
PO Box 2688
Madison, WI 53701-2688

Further information and forms are also available on the DOJ website. The Department also provides for online access to this information, and public requestors may also be directed to the website at www.doj.state.wi.us/dles/cib.

III shall not be used to access a record to be reviewed and/or challenged by the subject of the record. If an individual has a criminal record maintained by the FBI and the record has been entered into III, it is available for review through the FBI, upon presentation of the appropriate fee and identification (which includes a set of rolled fingerprint impressions, name, date and place of birth). A written request must be submitted to:

FBI-CJIS Division
ATTN: SCU Module D-2
1000 Custer Hollow RD
Clarksburg, WV 26306-0171

- **Attention line**

  Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI identify the specific individual receiving the CHRI information. Include the unique identifier of the specific individual the segment or record will be given to (e.g., Lt. Smith, Officer Jones, DA Johnson). If space permits, the attention line should also include a case number and/or text providing the reason for the inquiry.

- **Purpose codes**

  Requests for CHRI must be submitted in the proper format specified by CIB/NCIC. This format requires that each request for CHRI utilize the proper purpose code(s). Authorized purpose codes include the following:

  - **Purpose code C**

    Criminal justice/law enforcement purposes. Purpose code C is accepted by state central repositories and the Interstate Identification Index (III). Adult and juvenile records will be supplied. This code is used for official duties in connection with the administration of justice. This includes detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or
rehabilitation of accused persons or criminal offenders. A criminal history record check may also be made using purpose code C for the purposes of the security of a criminal justice facility. This may include checks on vendors, contractors, volunteers at the criminal justice agencies not involved in the administration of criminal justice, or participants of law enforcement sponsored firearms training class held at a public firing range or law enforcement facility. Confinement facility visitors, inmate mailing lists, and participants in law enforcement sponsored firearms training classes held a public firing ranges or this law enforcement facility also meet this criterion.

- **Purpose code J**
  Criminal justice/law enforcement employee applicants. Purpose code J is accepted by state central repositories and III. Adult and juvenile records will be supplied. This purpose code is used to initiate background checks of agency personnel, including noncriminal justice agencies that are involved with the administration of criminal justice on behalf of the criminal justice agency. This code should be used for background checks of vendors or contractors at this agency who are involved with the actual administration of criminal justice on behalf of this agency. Volunteers at this criminal justice agency who are involved with the actual administration of criminal justice at this agency, e.g. volunteer dispatchers, volunteer data entry clerks, are also subject to background checks using this purpose code.

- **Purpose code D**
  Domestic violence and stalking. Purpose code D is accepted by state central repositories and III. CIB will return only adult records. III will return information that has not been sealed by the contributing state. Civil court cases involving domestic violence or stalking cases (civil courts are issued a NCIC Agency Identifier with the letter D in the ninth position of the identifier). Law enforcement agencies providing CHRI to a criminal or civil court for a domestic violence hearing.
- **Purpose code H**
  Public housing applicants. Purpose code H is accepted by state central repositories and III. State central repositories will return only adult records. III will return an identification response only. Purpose code H is used to check the suitability of applicants for public housing under the authority of the Housing Opportunity Extension Act of 1996. If a complete record is requested the Public Housing Authority must submit a fingerprints to the Federal Bureau of Investigation (FBI). There is a fee associated with a CHRI request made using this purpose code.

- **Purpose code F**
  Acceptable by the Interstate Identification Index (III) and state central repositories. Adult and juvenile records are accessible for this type of investigation. Used by this agency for the purposes of issuing firearms-related permits and explosives permits pursuant to state law, regulation, or local ordinance; returning firearms to their lawful owners; and enforcing federal and state laws prohibiting certain persons with criminal records from possessing firearms in circumstances in which firearms have been pawned.

- **Purpose code E**
  Other authorized employment or licensing purposes. Purpose code E is accepted by some state central repositories only, no other purpose code may be used to bypass this requirement and access III information for employment purposes. Only adult records will be returned. Authorized means that the criminal history inquiry is required by state statutes, local ordinance or federal regulation. There is a fee associated with a CHRI request made using this purpose code.

  - **Secondary dissemination**
    This agency accesses CHRI, but is not the custodian of the records contained in those files. This department will release data obtained via the TIME System only to those law enforcement or criminal justice agencies with which this department has a signed agreement detailing dissemination of that information. If CHRI is released to another authorized user of such information, and that user was not specifically identified in the attention line of the CHRI request, the department will log such dissemination. The reporting of a criminal justice transaction to a state, local or federal repository is not a dissemination of information. This log will include a notation of what information was disseminated, whom the information was disseminated to, and the date of the dissemination. This log shall be maintained for a minimum of one year, and will be made available for review by NCIC/CIB auditors upon request.

  - **Storage of CHRI information**
    CHRI records obtained by a law enforcement or criminal justice agency via the TIME System become a local agency record and may be subject to release under the Wisconsin open records law. These records may not necessarily be up to date and accurate when the request for information from the case file is made; therefore CHRI records will not be maintained in case files. Criminal history records received from the III System - will be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use. Identifiers obtained from CHRI may be maintained in the file, but the actual criminal record will be disposed of once the case
XI. Data File Entries

As a user/participant in the TIME System, this agency is provided the opportunity to make entries into various statewide and nationwide databases listing wanted persons, missing persons, stolen property, etc. Other law enforcement and criminal justice personnel throughout the state and country view information entered into such files by this agency. Entries to these files must be accurate, complete, valid and up-to-date. To meet these goals, this agency adopts the following guidelines for data entry:

When to Make a Data File Entry

To ensure maximum system effectiveness, entry into the data files should be made immediately upon receipt of required documentation and minimum data required for entry, not to exceed three days of receipt of information. The only exceptions to immediate entry are when otherwise prescribed by law. Although data entries may be made with minimum data, it is the policy of this department to enter as much information as is available. If data becomes available at a later date, the record may be updated to include the new information.

Federal law Title 42 USC 5780 requires law enforcement agencies to immediately enter cases of missing children. The law defines a child, for purposes of missing persons, as someone under the age of 21 and defines immediately as being “within 2 hours of receipt.”

Wisconsin statutes require domestic abuse, child abuse, vulnerable adult, and harassment orders, both temporary and injunction, to be entered within 24 hours of receipt.

Inquiries should be made to the TIME System DOT files, CHRI files, Department of Natural Resources files, etc., the department’s in-house computer system and any other existing records to obtain all the data available. Any new information should be retained with the original case file to show where the identifiers or new information was obtained. Any information that cannot be verified will not be included in the data entry.

Quality Control

In an effort to make sure data file entries do not contain errors; it is the policy of this department to have the data file entry checked by another department member. The member verifying the accuracy of the data should initial the entry. All updates to entries (modification, supplement) are also subject to this second party check procedure.

Images

The TIME System supports entry of NCIC images for persons, articles, parts, boats, guns and vehicles. Authorization must be obtained from the source of the image to use the image as an attachment to any TIME System entry. This agency will enter an image when there is one available for the person or property and there is investigative value in doing so. To enter an image the base record must already exist.

Documentation Required for Entry

Entry of data in the TIME System can only be accomplished if the entering agency has proper documentation in its possession. Each piece of information must be supported by documentation and this documentation must be available for review by CIB/NCIC auditors. Case files will be available 24 hours a day and all operators will know and have access to where the case record can be located. If the case file is removed from where it is routinely stored it will be replaced with an insert card to note when the file was removed, who removed it and where it can be found. Examples of suitable
documentation for the various files are listed in the following sections. The list of examples is not all-inclusive, but merely a reference.

Warrant/Wanted Person File

Must possess a court issued warrant or have an investigative report sufficient to obtain a warrant and show that because of extenuating circumstances we have been unable to obtain the warrant. Entries into this file are based upon the following warrant categories, with the actual offense specified in the entry.

- **Categories**
  - **Felony**
    This category is used when the charge is a violation of state law that calls for a penalty of imprisonment in state prison (§939.60). The warrant can be entered into CIB only or CIB and NCIC.
  - **Temporary Felony Want**
    This category is used when law enforcement needs to take prompt action to apprehend a person who is alleged to having committed a felony. The individual may seek refuge by fleeing across jurisdictional boundaries while circumstances prevent the immediate acquisition of a warrant. A warrant for the arrest of the individual must be obtained as soon as possible. This entry requires knowledge by law enforcement that a felony was committed and who the person was that committed the felony but no warrant has been issued yet. This record can be entered and will remain on the files for 48 hours and then will be automatically purged. The want can be entered into CIB only or CIB and NCIC.
  - **Non-Felony State Law Violation Warrant**
    This category is used for entries that are misdemeanors, criminal traffic warrants, etc. when the charge is based on a violation of state statute that is punishable by fine and/or time in county jail for a period of less than one year. The warrant can be entered into CIB only or CIB and NCIC.
  - **Temporary Misdemeanor Want**
    This category is used when law enforcement needs to take prompt action to apprehend a person who is alleged to having committed a misdemeanor. The individual may seek refuge by fleeing across jurisdictional boundaries while circumstances prevent the immediate acquisition of a warrant. A warrant for the arrest of the individual must be obtained as soon as possible. This category requires knowledge by law enforcement that a misdemeanor was committed and who the person was that committed the misdemeanor but no warrant has been issued yet. This record can be entered and will remain on the files for 72 hours and then will be automatically purged. The want can be entered into CIB only.
  - **Civil Process Non-Criminal State Law Violation Warrant**
    This is a violation of state law or statute but the penalty calls for a forfeiture instead of a fine or imprisonment. Restrictions can be applied on distance of service. The warrant can be entered into CIB only.
  - **Civil Process Local Ordinance Violation Warrant**
    This is a violation of an ordinance. An ordinance is defined as a regulation adopted by the governing body of a city, town or county. Because an ordinance violation is a civil violation and not a crime, restrictions on service can be applied against an ordinance violation warrant. The restriction to how far the police agency will travel to serve the warrant is allowed on an ordinance or civil process violation. The warrant can be entered into CIB only.
- **Juvenile Warrant**
  
  This is for a person under 17 years of age who has been declared delinquent by a juvenile court. The warrant can be entered into CIB only or CIB and NCIC.

- **Extradition/Geographic Restrictions**

  Before entering a record of a wanted person into the NCIC files, the entering agency must attempt to determine, to the maximum extent possible, if extradition will be authorized if the individual is located in another state. If extradition is not authorized, the entry still may be entered into NCIC if the notation 'NOEX' is listed as the first four characters in the remarks field or Extradition Code “04” (No Extradition) in the Extradition Limitation Field. Entry of such non-extraditable warrants provides notice to law enforcement and criminal justice in other states of the wanted subject’s status and provides important officer safety information. This agency will not make entries to the NCIC wanted persons file unless the case file includes evidence of communication with the district attorney’s office indicating whether or not they will extradite, and what limitations they place on that extradition.

  If a warrant/wanted subject entry is subject to any other geographic restriction, either upon order by the court or other agency policy, such geographic restrictions will be listed on the entry to provide other criminal justice agencies with needed information regarding our agency’s intention to retrieve the wanted subject when located. If the geographic restriction is court ordered the restriction must be listed or further explained in the remarks of the entry.

  CIB policy allows for the entry of court ordered geographic restrictions. CIB also permits the entry of local ordinance and state law-civil process violations with an agency assigned geographical pickup restriction. Agencies that enter ordinance or civil process warrants but are not willing to travel statewide to pick up the subject based on bond amount or seriousness of the offense, must geographically restrict the entry so agencies that receive a positive response will not detain the person unless they are within the restricted boundaries. Warrants for non-felony state law violations may only be geographically restricted by the court. CIB recommends that agencies establish internal policies regarding agency assigned geographic restrictions.

- **Detainers**

  The detainer function allows an agency warrant/wanted person record to remain entered after hit confirmation has occurred, but the arrested subject will not be released to the agency holding the warrant. Detainer information is appended to the already existing warrant/wanted person record and can only be placed on a record that has a locate placed on it. This information may include details of where the subject is being held, how long he will be held, and miscellaneous remarks. There will be times when the conditions of the sentence will change and/or multiple agencies will have warrants for the same subject. When this occurs, the detainer must be modified with each change of sentence and/or place of incarceration. If detainer information is appended to a record, the agency must maintain documentation of the information listed in the detainer.

  The ending date must be a documented date accurately representing the anticipated transfer of the subject by the incarcerating agency to your department. The requirement of the ending date field as mandatory was designed to automatically clear old records by purging them after this date. For detainer information added to NCIC records, the date the sentence ends must be five days or more into the future. If a record containing detainer information is audited during a triennial audit and found to contain an undocumented or
inaccurate ending date it will be counted as wrong the same as any other record containing fictitious/undocumented data.

For detainers on CIB records only, if the subject is not immediately available for pick up and this agency is unable to obtain an accurate ending date from the incarcerating agency at the time of entering the detainer information, the agency must enter an ending date that is ten days or less into the future. At approximately 12:00 a.m. on the date the sentence ends automatic advisory messages will be sent to both the incarcerating agency and the entering agency advising that the detainer has expired and that a contact should be made to determine if the subject is available for pickup.

The entry of detainer information is voluntary and not required by the TIME System. The alternative to the use of the detainer data is to cancel the warrant record as soon as the entering agency has been advised that the subject is in custody and being held for their agency.

It is not permissible to leave a warrant record in the TIME System without detainer information if the subject has been arrested on the warrant.

- **Caution Indicator**

  When an agency lists a subject as a wanted person in the CIB/NCIC databases, they have the option of having their entry bear a notation of ‘CAUTION.’ This notation should be listed on a warrant/wanted person entry whenever this agency has information that the wanted subject poses a danger to themselves or others. This determination should be made after an examination of all supporting documentation in the case file, to include the original offense the subject is wanted for, past agency dealings with the subject, and information listed on criminal history or other files.

- **Vehicle Information**

  A vehicle may be entered as part of a wanted person record, provided the location of the vehicle is unknown, and the entering agency has reasonable grounds to believe that the wanted person is operating the vehicle. Mere knowledge or verification with the Department of Transportation that a vehicle is registered to the wanted person does not meet criteria for entry of the vehicle or license plate as part of the wanted person record.

**Missing Person File**

A record for a missing person who is over the age of 18 may be entered provided this agency possesses signed documentation from a source outside the department supporting the conditions under which the person is declared missing. This written documentation will aid in the protection of the individual’s right to privacy. A record for a missing person who is under the age of 21 must be entered within 2 hours of receipt of the minimum data required to enter an NCIC record. Examples are a written statement from a parent or guardian, physician or other authoritative source, statement from a family member, etc. In the absence of documentation from a parent, guardian, next of kin or other authoritative source, including friend or neighbor in unusual circumstances, or when such documentation is not reasonably available, a signed report by the investigating officer will suffice. Entries into this file are based upon the following categories.

- **Categories**
  - **Disability**
    
    A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.
- **Endangered**
  A person of any age who is missing and in the company of another person under circumstances indicating that his or her physical safety is in danger.

- **Involuntary**
  A person of any age who is missing under circumstances indicating that the disappearance is not voluntary.

- **Juvenile**
  A person who is missing and unemancipated under the laws of his or her state of residence.

- **Disaster/Catastrophe Victim**
  A person of any age who is missing after a manmade or natural disaster/catastrophe, but not confirmed to be dead. Examples include subjects missing after tornado, explosion, possible drowning, etc.

- **Other**
  A person not meeting entry in any other category and there is a reasonable concern for his or her safety or a person under age 21 and declared emancipated by the laws of his or her state of residence.
**Missing Person Flags**

The missing person flag is required for all missing person entries. Many software applications default the standard missing person flag of “MP” behind the scene but allow for modification for the following special circumstances:

- **Child Abduction Flag**
  A child abduction flagging mechanism has been added to missing person entries to facilitate automatic notification to the FBI’s National Center for the Analysis of Violent Crimes (NCAVC) and the National Center for Missing and Exploited Children (NCMEC). Use of this automatic alert system may save valuable time in the crucial first 48 hours after a child is abducted.

  Upon request, NCAVC provides immediate operational assistance to federal, state, and local law enforcement agencies involved in the investigation of child abduction and serial homicide cases. NCMEC was established to aid the parents of missing and exploited children. It is a national clearinghouse and resource center for missing and exploited children’s issues.

  The child abduction flag is to be used when the child is under the age of 21, and there is reasonable indication or suspicion that the child has been abducted and/or is missing under circumstances suggesting foul play or a threat to life. Therefore, the Child Abduction Flag can only be used for the missing person categories of Endangered and Involuntary.

  The flag is initiated at the local level when an agency enters a child. In order to immediately notify NCAVC and NCMEC, the terminal operator should enter “CA” in the missing person flag field.

  For NCIC to work effectively, all entries or records must be packed with as much information as possible. The Remarks Field will assist NCAVC and NCMEC in reviewing cases for immediate attention. Any additional information that will assist law enforcement in identifying special/urgent cases or unusual circumstances should be entered.

  The activation of the child abduction flag **DOES NOT** activate the AMBER Alert System.

- **Amber Alert Flag**
  An Amber Alert capability has been added to missing person entries. Use of the Amber Alert flag will generate an automatic notification to the National Center for Missing and Exploited Children (NCMEC) and the FBI. In addition, NCIC responses will be preceded by a caveat to indicate an Amber Alert was issued.

  In order to utilize the Amber Alert flag, agencies must make the determination that an Amber Alert will be issued, following the standard procedures for Amber Alerts. The flag is initiated at the local level when an agency enters a child. The agency must enter an “AA” code in the Missing Person Flag field. Currently no modification of this field is allowed.

  Remember that the use of the AA in your missing person entry does not automatically initiate the statewide Amber Alert process and you must still follow the Amber Alert procedures separately.
- **Disaster Victim Flag**
  The missing person flag must be set to “DV” for entry of all missing person disaster victims.

- **Person With Information**
  The missing person file allows an agency to add special supplemental information to an already existing missing person record that describes a person who may have information regarding the missing person.

  The PWI capability may only be used when:

  - The missing person was last seen under circumstances that pose a risk to the safety of that person. Thus PWI information may only be added to missing person records in the endangered or involuntary categories, and only the agency that entered the missing person record may add PWI information to the record.
  
  - There is a substantial likelihood that the PWI has relevant information about the missing person that could result in the recovery of the missing person.
  
  - The identity of the PWI has been disclosed to the general public through an Amber Alert or other formal notification.
  
  - Entering information concerning the PWI could assist the law enforcement agency to identify and interview the PWI and the resulting information could assist in the recovery of the missing person.
  
  - The PWI cannot be located and time is of the essence.
  
  - There is no prohibition under state law on the publication of information concerning the identity of a person for whom a warrant has not been obtained.
  
  - The PWI entry must include agency contact information and guidance for the officer who encounters the PWI.

  If the PWI can be entered as wanted (warrant exists, temporary felony want, etc.) the subject should be entered as a wanted person and the records should be linked. Only two PWI may be added to a missing person record, and the PWI information must be reviewed and validated 72 hours after it is entered and every 30 days thereafter.

- **Caution Indicator**

  When an agency lists a subject as a missing person in the CIB/NCIC databases, they have the option of having their entry bear a notation of ‘CAUTION.’ This notation should be listed on a missing person entry whenever this agency has information that the missing subject poses a danger to themselves or others or the circumstances under which a person has disappeared warrant such a designation. This determination should be made after an examination of all supporting documentation in the case file, to include the case reports, past agency dealings with the subject and/or suspect, and information listed on criminal history or other files.
Vehicle Information

A vehicle may be entered as part of a missing person record, provided the location of the vehicle is unknown, and the entering agency has reasonable grounds to believe that the missing person is operating or is a passenger in the vehicle. Mere knowledge or verification with the Department of Transportation that a vehicle is registered to the missing person does not meet criteria for entry of the vehicle/license plate as part of the wanted person record.

National Child Search Assistance Act

The National Child Search Assistance Act of 1990 requires that agencies verify and update original NCIC missing juvenile entries with any additional information, including medical and dental records, blood type, fingerprint characteristics, jewelry type and description, scars, marks, tattoos and other characteristics fields within 30-60 days of entry.

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message ($K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries.

Identity Theft File

The identity theft file serves as a means for law enforcement to 'flag' stolen identities and identify the imposter when he or she is encountered.

When an individual becomes a victim of identity theft and reports the incident to law enforcement, law enforcement should collect pertinent information from the victim. This information is used to create a victim profile which is entered into the NCIC Identity Theft File. This profile includes information such as victim name, date of birth, social security number and type of identity theft. In addition, the victim chooses a password that will be used to identify that person as the victim in any subsequent police encounters. This password is also entered in the profile listed on NCIC. A caution indicator should be entered when it is appropriate to the particular circumstances of the individual. The reason for the caution must be entered in the Caution and Medical Conditions (CMC) Field.

The Identity Theft File will be searched as part of any NCIC person query. If a match is found, the victim profile will be returned, including password. This provides the officer with the information necessary to verify that the person encountered is the victim or that the person may be using a false identity.

Information on deceased persons may also be entered into the Identity Theft File if it is deemed by the law enforcement agency that the victim’s information has been stolen. The record must include the word "DECEASED" in the password field. No consent form is required with the entry of deceased person information.

The victim profile will also include information in the IDT (Identity Theft Type) field about what type of identity theft has been reported:
- ACCT – Checking or savings account
- CFRD – Credit card
- GOVT – Government documents or benefits
- INVT – Securities or other investments
- LOAN – Loans
- NETT – Internet or email
- OTHR – Other
- UTIL – Phone or utilities

Criteria For Entry

An entry in the Identify Theft File must be supported by an official complaint recorded by a law enforcement agency and obtain a signed waiver form from the complainant. Documentation for the identify theft complaint must meet the following criteria before an entry can be made into the Identity Theft File:

- Someone is using a means of identification of the victim (denoted in the Identity Theft and Assumption Deterrence Act of 1998 as any name or number that may be used alone or in conjunction with any other information to identify a specific individual).
- The identity of the victim is being used without the victim’s permission.
- The victim’s identity is being used or intended to be used to commit an unlawful activity.

Unidentified Person File

The Unidentified Person File is a computerized file that contains records of persons whose identity is unknown. This file is closely associated with the Missing Person File and contains many of the same physical descriptor fields to allow daily, computerized comparisons in an effort to aid in identification. This agency must possess documentation from a source supporting the conditions under which the person, body or body parts have been located. A signed report by the investigating officer will suffice. Entries into this file are based upon the following categories.

Categories

- Deceased
  A person who is no longer living for whom the identity cannot be ascertained. This category also includes recovered body parts when a body has been dismembered.

- Living
  A person who is living and unable to ascertain his or her identity (e.g., amnesia victim, infant, etc.). The information on unidentified living persons should only be included if the person gives his or her consent or if they are physically or mentally unable to give consent.

- Catastrophe Victim
  A person who is a victim of a catastrophe for whom the identity cannot be ascertained or body parts when a body has been dismembered as the result of a catastrophe.

Protection Order/Injunction File (POIF)

Wisconsin statutes require the clerk of circuit court to send a copy of certain orders and injunctions to the sheriff or other appropriate law enforcement agency within one business day of issuance. The clerk is further required to provide information concerning the effective period of
the injunction and information necessary to identify the respondent. The law enforcement agency is required to enter the information into the TIME System no later than 24 hours after receiving the information from the clerk. Domestic abuse, child abuse and harassment orders and injunctions are required to be reported. The TIME System will allow, optionally, any other order or injunction to be entered when the information serves a legitimate law enforcement purpose.

Because a restraining order or injunction is issued only after a serious situation has come to the attention of the court, it is important that information on injunctions and restraining orders be entered into the TIME System as soon as possible. Wisconsin and federal law prohibit some persons who are affected by an injunction from possessing a firearm.

The "Ending Date" is a required field for entry of an injunction and the TIME System will not allow the "Ending Date" field to be filled with "NONEXP" for non-expiring. This is done in conjunction with Wisconsin Chapter 813 and the time limits restricted for injunctions. Therefore if this agency receives an injunction with the "Effective Until" or "Ending Date" field not completed it should be returned to the court to obtain the specific date of when the order expires.

Entries into this file are based upon the following categories:

- **Categories**
  - Domestic Abuse
    Temporary restraining orders or injunctions issued under state statute 813.12. The respondent is prohibited from having firearms under these orders.
  - Child Abuse
    Temporary restraining orders or injunctions issued under state statute 813.122. The respondent is prohibited from having firearms under these orders.
  - Harassment
    Temporary restraining orders or injunctions issued under state statute 813.125. The respondent may or may not be prohibited from having firearms under these orders.
  - Vulnerable Adult
    Temporary restraining orders or injunctions issued under state statute 813.123. "Vulnerable adult" means any person 18 years of age or older who either is a developmentally disabled person or has infirmities of aging, mental illness or other like incapacities and who is substantially mentally incapable of providing for his or her needs for food, shelter, clothing or personal or health care or is unable to report cruel maltreatment without assistance.
  - Foreign
    Temporary restraining orders or injunctions issued by an out-of-jurisdiction court. The respondent may or may not be prohibited from possessing a firearm under these orders. A foreign protection order shall be accorded full faith and credit by the courts in this state and shall be enforced as if the order were an order of a court of this state if the order meets all of the following conditions: the foreign protection order was obtained after providing the person against whom the protection order was sought a reasonable notice and opportunity to be heard sufficient to protect his or her right to due process and the court that issued the order had jurisdiction over the parties and over the subject matter. A copy of any foreign protection order, or of a modification of a foreign protection order that is on file with the circuit court, that is authenticated in accordance with an act of congress, an Indian tribal legislative
body or the statutes of another state may be filed in the office of the clerk of circuit
court of any county of this state. The clerk shall treat any foreign protection order or
modification so filed in the same manner as a judgment of the circuit court.

- **Other**

  Other types of orders not included in the above categories may be entered. The
  entering agency must specify the supporting statute that authorizes the issuance of
  the order.

  - **Caution Indicator**

    When an agency lists a subject in the CIB/NCIC databases, they have the option of
    having their entry bear a notation of ‘CAUTION.’ This notation should be listed on an
    entry whenever this agency has information that the subject poses a danger to
    themselves or others or the circumstances under which a person disappeared warrant
    such a designation. This determination should be made after an examination of all
    supporting documentation in the case file, to include the case reports, past agency
    dealings with the subject and/or suspect, and information listed on criminal history or
    other files.

  - **Vehicle Information**

    A vehicle may be entered as part of a person record, provided the location of the vehicle
    is unknown and the entering agency has reasonable grounds
    to believe that the person is
    operating or is a passenger in the vehicle. Mere knowledge or verification with the
    Department of Transportation that a vehicle is registered to the person does not meet
    criteria for entry of the vehicle or license plate as part of the wanted person record.

**Gang File**

The Gang File provides law enforcement with identifying information about criminal gangs and
the members of such groups. This information may warn law enforcement officers about the
potential danger posed by individuals and allow for the exchange of information about these
groups and members to aid criminal investigations. The information listed in this file is
investigative and intelligence information that has not been subjected to an independent judicial
review. Under no circumstances should information from this file be disseminated to non-law
enforcement or non-criminal justice personnel.

  - **Group Reference**

    Prior to listing a group as a gang on the TIME System, an agency must possess
documentation showing the group meets below definition. In addition, if the group has
not been previously listed on the CIB/NCIC files, an NCIC code must be assigned to the
group. This code is obtained by completion and submission of the appropriate forms to
NCIC. Forms and further details may be obtained from CIB/NCIC.

  - **Gang**

    A gang is an ongoing organization, association or group of three or more persons
    that have a common interest and/or activity characterized by the commission of or
    involvement in a pattern of criminal or delinquent conduct.

  - **Group Member**

    Prior to listing an individual as a gang member on the TIME System, an agency must
    possess documentation showing the subject meets one of the below definitions.
An individual may be considered a member of a gang if they have admitted membership in a specific gang at the time of arrest or incarceration. If the subject does not meet this criterion, they may be considered a member of a gang if they meet any two of the following criteria:

- They have been identified by an individual of proven reliability as a group member;
- They have been identified by an individual of unknown reliability as a group member and that information has been corroborated in significant respects;
- They have been observed by members of the entering agency to frequent a known group's area, associate with known group members, and/or affect that group's style of dress, hand signals or symbols;
- They have been arrested on more than one occasion with known group members for offenses consistent with group activity;
- They have admitted membership in the identified group at any time other than arrest or incarceration.

**Caution Indicator**

When an agency lists a subject as a gang member in the NCIC database, they do not have the option of having their entry bear a notation of 'CAUTION.' All individual subjects listed as members will have this notation placed on the record.

**Violent Person File**

The violent person file serves as a means to alert law enforcement officers that an individual they are encountering may have the propensity for violence against law enforcement.

When an individual has a known history of violence towards law enforcement and/or criminal justice personnel, law enforcement should collect pertinent information about the subject. This information is used to create a violent person profile which is entered into the NCIC Violent Person File. This profile includes information such as the violent person's name, date of birth, social security number and criteria for entry. A caution indicator should be entered when it is appropriate to the particular circumstances of the individual. The reason for the caution must be entered in the Caution and Medical Conditions (CMC) Field.

The Violent Person File will be searched as part of any NCIC person query. If a match is found, the violent person's profile will be returned. This provides the officer with the information necessary to exercise additional caution if in contact with the person.

**Criteria For Entry**

An entry in the Violent Person File must be supported by an officer’s report supporting the criteria used for entry. Documentation for the violent person entry must meet at least one of the following criteria before an entry can be made into the Violent Person File:

- Offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest, or any such statute which involved violence against law enforcement.
- Offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- Offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his or her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

**Caution Indicator**

When an agency lists a subject as a violent person in the NCIC database, they have the option of having their entry bear a notation of ‘CAUTION.’ This notation should be listed on a violent person entry whenever this agency has information that the subject poses a danger to themselves or others. This determination should be made after an examination of all supporting documentation in the case file, to include past agency dealings with the subject, and information listed on criminal history or other files.
Property Files

Stolen property may be entered if the owner or custodian of the property has made a theft report. Some property files have special requirements outlined below.

- **Loaned/Rented/Leased Vehicles**
  A loaned, rented or leased vehicle or boat that has not been returned may not be entered unless an official police theft report is made or a complaint results in the issuance of a warrant charging embezzlement, theft, etc.

- **Felony Vehicles**
  A vehicle used in the commission of a felony or wanted in connection with a felony may be entered immediately providing the whereabouts of the vehicle is unknown. A vehicle does not have to be reported stolen to be listed as a felony vehicle.

- **Stolen/Missing License Plates**
  Stolen or missing license plates may be entered into the CIB/NCIC database. If only one license plate was taken the plate may only be entered when the remaining plate is removed or destroyed and the complainant or owner obtains corrective registration. If the owner or complainant wishes to retain the same license plate number, no entry can be made to the database. Documentation should be maintained detailing what happened to the remaining plate and the fact that the owner was directed to obtain corrective registration.

- **Recovered Guns**
  A gun that has been recovered by this department must be queried through the TIME System to determine if it has been listed as stolen. If not, the gun should be entered as a recovered gun, provided it remains in the custody of this department.

- **Stolen/Lost Articles**
  Categories included in this file are: bicycles, camera and photo equipment, data processing equipment, equipment measuring devices and tools, furniture and furnishings, games and gambling apparatus, household appliances and housewares, items of identification, public safety homeland security and critical infrastructure items of identification, special documents/food stamps and tickets, keepsakes and collectibles, livestock, musical equipment, office equipment, personal accessories, radio/TV/sound equipment devices, sports camping exercise and recreational equipment, toxic chemicals, viewing equipment, well drilling equipment, public safety equipment, homeland security equipment, critical infrastructure equipment and equipment not categorized. This agency will enter stolen and lost articles immediately upon receiving the proper report and documentation.

Public safety, homeland security and critical infrastructure items of identification only such as badges, credentials, police and federal identification cards, military identification, etc., must be entered using an article type code starting with “Q.” Lost or stolen equipment associated with public safety, homeland security, and critical infrastructure must be entered using an article type code starting with “Z.” Toxic or hazardous materials must be entered using an article type code “T.”

- **National Insurance Crime Bureau (NICB)**

  The National Insurance Crime Bureau maintains a database of vehicle records. This database includes: Manufacturer's Shipping File, Impound File, Import/Export File, Salvage File, Auction File, Pre-Inspection File, Vehicle Physical Damage Claim File, Rental File,

All NICB entries and queries are based upon a vehicle identification number. Prior to making entries to the NICB impound files, an agency must have the vehicle in question in its possession or control.

- **Caution Indicator**

When an agency lists property in the CIB/NCIC databases, they may have the option of having their entry bear a notation of ‘CAUTION.’ This notation should be listed on an entry whenever this agency has information that the subjects in a stolen vehicle or boat are armed and dangerous, or when an agency wishes a recovered stolen item be held for latent fingerprint examination. This determination should be made after an examination of all supporting documentation in the case file, to include the case reports, past agency dealings with the subject and/or suspect, and information listed on criminal history or other files.

### XII. Data Files Modification/Supplementation

Although data entries may be made with minimum data, it is the policy of this department to enter as much information as is available. If data becomes available at a later date, the record will be modified or supplemented to include the new information. Inquiries should be made to the TIME System DOT files, CHRI files, Department of Natural Resources files, etc., the department’s in-house computer system and any other existing records to obtain all the data available. Any new information should be retained with the original case file to show where the identifiers or new information was obtained. Any information that cannot be verified will not be included in the data entry.

### XIII. Data Files Cancellations

#### When to Cancel a Data File Entry

All entries will be removed as soon as it is learned that the person has been apprehended, found, or is no longer wanted, or the property has been recovered. It is not permissible to wait until the person or property is in this department’s possession (even if the arresting jurisdiction is holding the person pending outcome of their charges). The entry must be cancelled as soon as practicable. The only exception to this section is if the CIB wanted person detainer function is utilized. Details of the detainer function may be found in the section of this policy dealing with entry of wanted person records. Once a record has been cancelled, documentation of the cancellation and reason for cancellation will be retained in the case file. The record should be queried again to ensure that it has indeed been removed from the database.

#### Retaining Records

This agency shall retain audit records for at least 1 year. Once the minimum retention time period has passed, this agency shall continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit or other operational purposes.

#### Purged Records

Records entered into the CIB/NCIC databases are retained in these files for a specified period of time. When the specified time period has passed, records are purged from the databases. When notice is received a record has been removed from the database the case file will be annotated to reflect this. These records will not normally be re-entered unless there is some investigative value to re-entering...
the item to extend the retention period. This determination will be made on a case by case basis. Retention periods for the various files are outlined below.

Warrant/Wanted

Warrants remain on file indefinitely, or until the entering agency cancels the entry.

- **Temporary Felony Want**
  Remain on file 48 hours.

- **Temporary Misdemeanor Want**
  Remain on file 72 hours.

- **Detainer Information**
  Warrants with detainer information appended will remain on file until the date the sentence ends specified by the entering agency. When purged, the warrant record itself, along with detainer information, is removed from the file.

Missing Persons

Missing person entries remain on file indefinitely or until the entering agency cancels the entry.

Identity Theft

Identity theft entries remain on file until the entering agency cancels the entry or until the Date of Purge (DOP) is equal to the current date. The maximum retention period for an identity theft record is 5 years.

Protection Orders/Injunctions

Protection order/injunction file entries remain on file until the specified date of expiration.

- **Temporary Restraining Orders**
  Remain on file for 96 hours after the specified expiration date of the order.

Gang Organization

- **Organization**
  Organization entries remain on file indefinitely, or until the entering agency cancels the entry.

- **Member**
  Gang member entries remain on file for five years, or are purged on an earlier date specified by the entering agency.

Unidentified Persons

Unidentified person entries remain on file indefinitely, or until the entering agency cancels the entry.

Violent Persons
Violent person entries remain on file indefinitely, or until the entering agency cancels the entry.

Vehicles

- **Stolen Vehicles**
  If a vehicle identification number or owner applied number is included in the entry, stolen vehicle entries remain on file for four years plus the remainder of the year of entry. If one of the two identifying numbers is not included the record will be purged after ninety days.

- **Felony Vehicles**
  Remain on file for ninety days.

- **Stolen/Missing License Plates**
  Remain on file for four years plus the remainder of the year of entry.

Parts

Remain on file for four years plus the remainder of the year of entry.

Articles

Remain on file for one year plus the remainder of the year of entry with the exception of articles entered with a Type Code starting with “T,” “Q” or “Z” which remain until the entering agency cancels the entry.
Guns

Stolen and lost gun entries remain on file indefinitely, or until the entering agency cancels the entry. Recovered gun entries remain for two years plus the remainder of the year of entry.

Boats

If a boat hull number or owner applied number is included in the entry, stolen boat entries remain on file for four years plus the remainder of the year of entry. If one of the two identifying numbers is not included the record will be purged after ninety days.

Securities

Remain on file for four years plus the remainder of the year of entry.

- Traveler's Checks and Money Orders
  Remain on file for two years plus the remainder of the year of entry.

XIV. Validation

Validation obliges the entering agency to confirm the record is complete, accurate and still outstanding or active. Validation is accomplished by reviewing the original entry and current supporting documents. Recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual also is. In the event the ORI is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.

Validation Officer

This department will designate a validation officer. This person will attend CIB Validation/Quality Control training.

Validation Schedule

Records for validation are selected from the CIB/NCIC databases based upon the month of entry as outlined below. A listing of records requiring validation is then forwarded to this department.

January

January validation includes records entered in October.

February

February validation includes records entered in November.

March

March validation includes records entered in December.

April

April validation includes records entered in January.

May

May validation includes records entered in February.

June

June validation includes records entered in March.

July

July validation includes records entered in April.
August
August validation includes records entered in May.

September
September validation includes records entered in June.

October
October validation includes records entered in July.

November
November validation includes records entered in August.

December
December validation includes records entered in September.

Accuracy of Records
The accuracy of records is an integral part of the system. The verification of a record should include assuring all available crosschecking was made and that the data in the record matches the data in the investigative report.

Maintaining accurate files means more apprehensions and recoveries will be made.

It is the duty of the validation officers to ensure the accuracy of the entries into the CIB/NCIC files. During validation, an examination will be conducted of each record, comparing the entry to the supporting documentation to ensure the entry accurately reflects the information available to the department.

Completeness of Records
Complete records include all information that was available on the person or property at the time of entry. The validation process should include a review of whether additional information has become available (missing from the original entry) that could be added. This is accomplished by conducting queries on the person or item through all available databases and information sources (i.e., DOT, CHRI, DNR, departmental records, etc.) and reviewing responses to obtain new or additional information. Stale information will be removed and updated information added. All changes will be documented.

Complete inquiries on persons include numbers that could be indexed in the record; i.e., Social Security, Passport, VIN, License Plates, Driver's License, etc. Inquiries should be made on all names and aliases used by the suspect. Complete vehicle queries include VIN and License Plate Numbers.

Validity of Records
No records entered by this department into the CIB/NCIC files will be retained on such files without verification from the person or office/official responsible for the initial report, or from someone who has assumed responsibility for the record/property (i.e., an insurance company). An entry may remain in the CIB/NCIC database without such verification if this department determines there is some investigative value in maintaining the entry.

During the validation process this department will make contact with the originating party of each record, either by personal contact, letter, memo, or telephone. Contact will be made with the clerk of court and/or district attorney to determine if a warrant is still outstanding.

National Child Search Assistance Act
The National Child Search Assistance Act of 1990 requires that agencies verify and update original NCIC missing juvenile entries with any additional information, including medical and dental records, blood type, fingerprint characteristics. Jewelry type and description, scars, marks tattoos, and other characteristics fields within 30-60 days of entry.

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message ($K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries. During validation this department will ensure follow-up is conducted on missing person reports to determine if the subject is still missing and attempt to obtain any missing information that would assist in identifying the missing person if found.

License Plates
Vehicle license plates will only be retained in the database if a check of registration status indicates the plate was cancelled or otherwise not currently in use. If a registration check shows current registration, the entry will be cancelled.

Certification
Records for validation are selected from the CIB/NCIC databases based upon the month of entry. A listing of records requiring validation is available to the department online via the eTIME Browser. The agency must certify that the validation is complete. Due to the limited time which the CIB has to validate these files with NCIC, IF THE CERTIFICATION IS NOT RECEIVED BY THE DATE INDICATED, CIB HAS NO ALTERNATIVE BUT TO PURGE ALL OF THE RECORDS FOR THAT MONTH. Certification acknowledges that all inactive records have been cancelled, all incorrect records have been modified, and presently all records on the computerized data files entered by this agency are correct and accurate. The validation officer is responsible for ensuring validation is completed within the applicable period and that CIB is notified of certification by the specified due date.

Advisory Messages
All quality control and other advisory ($) messages shall be reviewed by a validation officer in a timely fashion. These messages include, but are not limited to, the following:

File-Transfer-Ready Notification ($B)
A $B administrative message is transmitted to an ORI whenever a file is available for retrieval. This situation occurs when: 1) excessive hits resulting from an inquiry is transmitted and 2) a response to a batch inquiry is transmitted.

Duplicate Vehicle ($D)
When a vehicle locate, clear, or cancel transaction is processed by NCIC and there are duplicate records on file (VIN and VMA or LIC, LIS, LI and LIY exactly match), a message is sent to the owner(s) of the duplicate record(s). If such a message is received, the terminal operator will query the possible duplicate record and forward the message and a copy of the possible duplicate record to the investigating officer for the case.

Quality Control Notice/Serious Error ($E)
When errors are identified in entries to the CIB/NCIC files, the entering agency is advised of the error through receipt of a $.E. Serious Error Notification from NCIC or a Quality Control Notice
from CIB. Both advise of a significant error in a specific entry. NCIC Serious Error Notifications indicate the erroneous record has been removed from the file, whereas a CIB Quality Control Notice generally advises the agency of the error and provides a deadline for correcting it. The receipt of such a message by this department will cause the error to be corrected and the record to be re-entered, as necessary. If correct information is not readily located in the case file, the case will be forwarded to a supervisor to be assigned to a department member for follow-up investigation to attempt to locate correct information for entry to the database.

Gang ($G)

When an originating agency no longer has an interest in a gang or terrorist organization record or the record (interest) has been entered in error, the originating agency may cancel the record. If the "oldest" agency (primary ORI) cancels the record, that agency's ORI and POC are removed. If there are no other agencies associated to the record, the entire record is cancelled. If there are other agencies associated to the record, ownership of the record is transferred to the next "oldest" agency which then becomes the primary ORI. Cancellation by any agency other than the primary ORI simply removes that agency's ORI and POC from the record. If a message is received advising that this agency is now the primary ORI responsible for a gang or terrorist organization record it will be forwarded to a supervisor.

Delayed Hit ($H)

A message is sent to the ORI entering or modifying a record which resulted in a hit response for an inquiry made within the last 5 days. A message is also sent to the ORI of an inquiry transaction when a hit response is generated because of a subsequent entry or modification transaction. The inquiring agency will potentially receive hit responses for 5 days after the initial inquiry was made. A $.H. administrative message will not be sent to an agency that hits on a delayed queue inquiry which has the U. S. Customs Service's ORI VAUSC6099 unless the entry or modification transaction is to the Gang File or the Deported Felon File.

Upon receipt of a delayed hit message indicating this department was the inquiring agency, the validation officer will make a reasonable effort to ascertain what terminal or officer initiated the query. The validation officer will also query the possibly wanted subject or vehicle to attempt to ascertain if the subject or vehicle is still wanted. If the entry is still active, and the validation officer is able to ascertain who initiated the query, the validation officer will advise a supervisor of the information. The information will then be forwarded to the initial inquiring officer and/or presented to all staff in an attempt to locate the subject or vehicle.

Originating Agency Notification ($H)

A message is sent to the ORI of record when an inquiry, enter, or modify transaction results in a hit response and the Notify Originating Agency flag (NOA) is set to Y in a NCIC 2000 formatted record.

Investigative Interest ($I)

NCIC has developed a concept to create a supplemental entry that allows agencies to indicate an investigative interest on another law enforcement agency's NCIC record entry. This concept pertains to any type of record entry that is currently listed in the NCIC files. If an agency receives a record response to an NCIC query containing investigative interest information, the inquiring agency is not required to notify the investigative interest agency(s), but it is recommended that they do so. Multiple agencies can append their interest to an NCIC base record. A $I Investigative Interest Notification is sent to the ORI of the record when an investigative interest supplement record is entered or cancelled.
**Emancipated Juvenile ($J)**

This message is sent to the ORI of a wanted juvenile record when the individual of the record reaches the age of emancipation. The message may be generated by NCIC or CIB. Upon receipt of this message the validation officer will make contact with the city attorney, district attorney, or court to ascertain whether the warrant should remain on the system, be cancelled, or be reissued charging the subject as an adult.

**Incomplete Missing Person ($K)**

NCIC will automatically review missing person entries to determine if information is present in the aforementioned fields. If one or more of the fields is missing data, a message ($K) will be sent via the TIME System to the entering agency. This message should serve as a reminder to make contact with the source of the missing person entry to determine what additional information can be added to the entry. If the entry is updated, the entry will again be searched against other entries. Upon receipt of a $K message, it will be forwarded to the investigating officer of the case, along with a request he or she attempt to obtain the missing information and forward it to the appropriate personnel for entry into the system.

**Locate ($L)**

The purpose of a locate message is to indicate (until the originating agency cancels the record) that the wanted person has been apprehended or stolen property has been located. If the ORI fails to cancel the NCIC record, the Locate will purge it within two weeks of placement. In the missing person file, a locate message indicates the whereabouts of the missing person has been determined and immediately purges the record from the file. If a CIB record is being located, TSCC will contact the ORI and explain why the locate is being placed against the record. TSCC will advise the ORI that they have approximately **TWO** hours to cancel the record. If the ORI fails to cancel the record within the time allotted, TSCC will cancel the record. This message is placed against a record that remains active in the system after hit confirmation has taken place. The locate message includes the date and time the person or property was located, as well as the name of the locating agency. If a record of this department is subject to a locate, the record will be immediately fixed or cancelled, as appropriate.

**Possible Match ($M)**

A message is sent to the ORI initiating an entry or modification transaction that results in potentially positive hits during a comparison of the missing and unidentified person files. It is also sent to the ORI(s) of record for the possible matches from the comparison. Upon receipt of such a message, the inquiring agency must review all of the information in the candidate record(s) and contact the agency(s) that entered the record(s) to confirm possible matches.

If a possible match message is received regarding one of the department’s records the investigating officer of the case will be notified as soon as possible. In addition, the terminal operator will query the possible matching record in the system to receive a complete printout. The terminal operator will also make contact with the entering agency of the possible matching record, either by telephone or via administrative message, advising them of the receipt of the possible match notice and to obtain contact information for the investigating officer responsible for the possible matching record. All information obtained will be forwarded to the investigating officer.

**No Match ($N)**
A message is sent to the ORI initiating an entry or modification transaction that results in no potential matches during the missing and unidentified person comparison. If such a message is received it will be retained in the case file and the investigating officer notified.

**Incarcerating Agency ($O)**

NCIC has created the ability for law enforcement agencies to enter detainer information to an NCIC wanted person record, after a positive hit confirmation response has been received. A detainer in NCIC may generate a $O Incarcerating Agency Notification to a Wisconsin agency. This message provides formal notification via the TIME System that an NCIC detainer has been filed. This message will be forwarded to appropriate personnel and retained in the detained subject’s file to ensure staff is aware of the fact another agency wishes to take custody of the subject.

**Purge ($P)**

This message is sent to the entering agency when a record has been retired because it has reached the end of its retention period. This message may be generated by NCIC or by CIB, and may be sent to the entering agency via the TIME System or US Mail. Upon receipt of the annual purge listing of articles, vehicles and parts, the case file should be annotated to show that the record has been purged from the computer files.

A $P message (sentence expiration notification) is generated by NCIC only and will be sent to the entering agency of a detainer five (5) days prior to the Date Sentence Ends.

**Hits to Wants**

When a wanted person file entry contains an FBI number, the same wanted information is posted in the subject’s FBI III criminal history record. If the FBI receives subsequent arrest fingerprints that are identified with the criminal history record, the NCIC System sends an automatic notification message, referred to as a hits-to-wants message, to the wanting agency to inform them that the wanted person has been arrested. The validation officer should investigate to determine if the wanted subject remains in custody of the agency submitting fingerprints, or if not, attempt to obtain from that agency further descriptive and location information for the subject which may be included in the TIME System entry or used for apprehension of the wanted person.

**Hot Check Initiative**

The FBI has implemented a hot check initiative. The hot check initiative is the automatic name based search of specific NCIC files that will occur for all Integrated Automated Fingerprint Identification System (IAFIS) ten print submissions. For each IAFIS criminal and civil applicant ten-print submission, the interstate identification database will send one inquiry request to NCIC, searching the Wanted Person File and the Gang File. After the search is completed, the following notification of the hot check inquiry will be generated and sent to the agency(s) that entered the NCIC record(s) as an administrative message. If the agency that entered the NCIC record determines that the subject of the ten-print submission is potentially the subject of the NCIC record, then the entering agency should contact the contributing agency as necessary.

**Detainer**

The detainer function allows an agency warrant/wanted person record to remain entered after hit confirmation has occurred, but the arrested subject will not be released to the agency holding the warrant. Detainer information is appended to the already existing warrant/wanted person record.
and can only be placed on a record that has a locate placed on it. This information may include details of where the subject is being held, how long he will be held, and miscellaneous remarks. There will be times when the conditions of the sentence will change and/or multiple agencies will have warrants for the same subject. When this occurs, the detainer must be modified with each change of sentence and/or place of incarceration. If detainer information is appended to a record, the agency must maintain documentation of the information listed in the detainer.

The ending date must be a documented date accurately representing the anticipated transfer of the subject by the incarcerating agency to your department. The requirement of the ending date field as mandatory was designed to automatically clear old records by purging them after this date. For detainer information added to NCIC records, the date the sentence ends must be five days or more into the future. If a record containing detainer information is audited during a triennial audit and found to contain an undocumented or inaccurate ending date it will be counted as wrong the same as any other record containing fictitious/undocumented data.

For detainers on CIB records only, if the subject is not immediately available for pick up and this agency is unable to obtain an accurate ending date from the incarcerating agency at the time of entering the detainer information, the agency must enter an ending date that is ten days or less into the future. At approximately 12:00 a.m. on the date the sentence ends automatic advisory messages will be sent to both the incarcerating agency and the entering agency advising that the detainer has expired and that contact should be made to determine if the subject is available for pickup.

The entry of detainer information is voluntary and not required by the TIME System. The alternative to the use of the detainer data is to cancel the warrant record as soon as the entering agency has been advised that the subject is in custody and being held for their agency.

It is not permissible to leave a warrant record in the TIME System without detainer information if the subject has been arrested on the warrant.

Juvenile Missing Person Emancipation

If an individual has been entered as a missing person juvenile and the record is still outstanding when the individual turns 18, a message will be sent to the ORI of the record from the Wisconsin Crime Information Bureau.

XV. Administrative Messages
An administrative message is a point-to-point free form message. This criminal justice related message may be asking for information or assistance, or it may be in response to a request from another agency. It is differentiated from other messages in that it is free form and may be used for practically any type of information transmission not associated with a specific message type. If the administrative message includes information that is related to officer safety (i.e., armed and dangerous), this phrase should be placed at the front of the message on its own line to highlight it. Administrative messages may be routed terminal to terminal, terminal to multiple terminals, or terminal to area.

Prohibited Administrative Messages
To ensure the system remains dedicated to transmitting essential law enforcement/criminal justice information, the following types of administrative messages are PROHIBITED:

- Announcements of social affairs, retirement parties, labor-management affairs and seasonal goodwill messages such as Christmas/New Year's greetings.
- Messages supportive of or in opposition to political issues, labor management issues, legislative bills or announcements of meetings relative to such issues.
Messages related to the advertising of equipment for sale.

Messages relating to requests for information concerning recruitment of personnel, job announcements, interviews, salaries, uniforms, personnel or other related items which can routinely be obtained by correspondence or other means.

No routine broadcasts of wanted/missing persons or stolen property if they can be entered into NCIC.

No solicitation of funds.

No NLETS training messages that include the name of a company that is providing the training unless the company is not-for-profit and is providing a direct service. Training announcements may be sent via regional broadcast codes to states in geographic proximity of the sender only.

Excessively long messages or messages that are incomplete (contain insufficient information for action requested).

All Points Broadcasts (APBDs)
The restrictions listed have been adopted for APBDs (sometimes referred to as state-wide broadcasts). Recognizing that there may be circumstances where the seriousness of the situation overrides the normal policy prohibitions, the restrictions may be waived under the following conditions:

- A user has information that is pertinent to a criminal investigation that is of interest to all and cannot be entered into NCIC.
- A user has information regarding kidnapping, skyjacking or other serious criminal acts. Keep messages as brief as possible.
- A user has information on a wanted person that cannot be entered into NCIC but is of interest to all.

If there is information in the APBD request that qualifies for entry into any of the data files, the APBD will not be approved until the applicable data has been entered into CIB/NCIC.

All requests for nationwide or statewide APBDs MUST be directed to the TIME System Control Center (TSCC) and must be of significant importance to law enforcement. If your agency needs to request a broadcast in a specific state, send a message to that state’s control terminal. An attempt to locate in Canada or a Canada-wide broadcast request must be sent to INTERPOL in Washington, D.C. (DCINTER00). If an out-of-state agency contacts your agency requesting a broadcast, refer them to TSCC.

The following APBD regulations will be used to evaluate requests for all points broadcasts. Requests for APBDs (state and/or nationwide) will be approved if the message falls within one of the following categories:

Death or aggravated battery to law enforcement officials involving a person at large.

An adequate physical description of suspect and/or vehicle is required. "Adequate" means enough information to recognize the person or vehicle if seen.

Felonies involving armed or believed to be armed fugitive(s).

An adequate physical description of the fugitive and/or vehicle is required.

Escapees from custody

This includes all escapees from: officer custody, city and county jails, prisons, detention homes or centers, work camps, and juvenile facilities.
Death and funeral notices of actively or formerly employe law enforcement officials. Wisconsin APBD’s may also include public safety officials.

Attempts to Locate (ATLs)

When foul play is suspected or known and is so specified. An adequate physical description of the person and/or vehicle is required. For death or serious illness message delivery only if the direction of travel is unknown. If the direction of travel is known, the requesting agency must send messages to the specific agencies along the route of travel (an AREA/HIGHWAY broadcast may be used under appropriate circumstances).

Found unidentified bodies or body parts

Information that has state/nationwide law enforcement significance

This may be a description of the method of operation (M.O) requesting information from similar cases or alerting other agencies of same, or a request for information on a person in custody refusing to cooperate by not giving name, etc. The requesting agency can ask for assistance based on the description of the person and circumstances surrounding the case. If the request concerns stolen property that cannot be entered into CIB/NCIC, the list of property items must have state or nationwide significance and be condensed into no more than 15 lines of text. Give general descriptions without listing all of the quantities. Any information that cannot be entered into CIB/NCIC that is pertinent to a criminal investigation and would be of interest to state or nationwide law enforcement agencies.

Area/Highway/Transport Broadcasts

The same categories and rules are to be used when considering an AREA / HIGHWAY / TRANSPORT broadcast; the difference being that the information in the message pertains to a specific area of the state rather than having state or nationwide significance. The area broadcast can be sent by an individual agency, it is not to be requested through TSCC.

Training Broadcasts

All announcements of training being hosted or sponsored by the originating agency must be sent to the broadcast area "TRNG". An agency may transmit up to three training announcements for each training session to be held. The receipt of "TRNG" training broadcasts is entirely voluntary. Your TIME Agency Coordinator (TAC) can request to have terminals added or removed from the "TRNG" broadcast group.

Urgent Message Indicator

Designating a message as ‘urgent’ will cause an audible noise to be played when the message is received at another terminal. In addition, there will be a visual notification displayed on the receiving terminal indicating an urgent message has arrived.

This department will utilize the urgent function to avoid missing important messages. Only the administrator will have the authority to disable the function and/or change the sound of the .wav file.

XVI. Hit Confirmation

A TIME System hit will generally provide reasonable suspicion for a stop so long as the information given, resulting in the hit, was reasonably accurate (i.e., the officer read the license plate or serial number correctly). When an officer communicates with the dispatcher to evaluate all available descriptors from the hit against the person or property stopped and it appears reasonable that there is a potential match, the officer may detain the person or property for a reasonable amount of time while hit confirmation takes place. A TIME System hit may not, in and of itself, be probable cause to arrest a person or seize property. It is one fact that must be added by the officer in arriving at sufficient legal grounds for arrest.
or seizure of property. The older the hit entry and the less descriptive the information available, the more independent facts the officer must develop to establish probable cause. To aid in the officer’s decision, hit confirmation must take place prior to making an arrest or seizing property.

Confirming a hit means to contact the agency that entered the record to ensure that the person or property inquired upon is identical to the person or property identified in the record, ensure that the warrant, missing person report, protection order or theft report is still outstanding, and obtain a decision regarding the extradition of a wanted person when applicable, information regarding the return of the missing person to the appropriate authorities, information on the conditions of a protection order or information regarding the return of stolen property to its rightful owner.

**Hit Confirmation Levels**

There are two levels of priority when requesting to respond to a hit confirmation.

**Urgent**

An agency must respond to the requesting agency within ten minutes advising either the status of the validity of the entry and other information pertaining to the case, or advising the amount of time it will take to respond to the request with the needed information. This priority should be used where the hit is the only basis for detaining a suspect, or the nature of the case requires urgent confirmation.

**Routine**

An agency must respond to the requesting agency within one hour advising either the status of the validity of the entry and other information pertaining to the case, or advising the amount of time it will take to respond to the request with the needed information. Generally this is used when the person or property is being held on local charges and urgent confirmation is not needed.

**Hit Confirmation Request Steps**

**Check the computer results with the original query**

Compare the hit received with the original information queried. Ensure you are within any geographic restrictions listed on the warrant entry. Ensure subject or item is in custody. No hit confirmation message should be sent when a record contains a geographic or extradition limitation and the person is outside the restriction indicated. An administrative message may be sent to the entering agency to advise them of the location of the person as an investigative update/courtesy; be sure to indicate the subject is not being held due to the restriction on the record.

**Check with the requesting person for additional information**

Additional information may clarify the hit. Relay to the requesting person all identifying information such as height, weight, hair color, eye color, scars/marks/tattoos, etc.

**Check with the ORI to verify the record**

When it is believed to be a valid hit and the department is able to arrest the wanted person or recover the stolen property, confirm with the entering ORI that the entry is valid. Obtain any further identifying information or information about the case that would be useful to the investigating officer. Send the appropriate TIME System message requesting confirmation. Hit confirmation should be done using the appropriately formatted screens. Hit confirmation may *not* be done using
administrative message formats. If no response is received within the designated time period, a second request may be sent. A follow-up phone call to the entering agency is recommended.

**Obtain hard copy documentation**

Obtain hard copy documentation from the entering ORI on the results of the hit confirmation request and disposition of the person or item. This provides a record of information that was used to make the decision to arrest or seize property.

**Query all identifiable data not queried originally**

Additional identifiers may be discovered during the hit confirmation or arrest process. Querying these identifiers may result in other hits being discovered for the person or property.

**Hit Confirmation Responses**

If an agency maintains entries into the data files of CIB/NCIC they are required to ensure hit confirmation is available 24 hours a day. When a request for hit confirmation is received this department will respond within the specified time period. Remember, this response does not necessarily need to confirm the hit, but must at least acknowledge the hit request and provide an approximation of the amount of time it will take to confirm the hit. The operator receiving the hit request should retrieve the case file involved and check the file to ensure the entry is valid. The operator should make sure the requesting agency is within any geographic or extradition restrictions specified. If the entry is valid and the requesting agency is within the specified limits, the operator should advise the requesting agency of the validity of the hit and request information of the holding agency as to the disposal or retrieval of the person or property. Once the hit has been confirmed and the requesting agency advises they have the person or property in custody, the original entry should be cancelled. It is not permissible to wait until the person or property is in this agency’s custody before canceling the record. The only exception to this process would be the use of the detainer in regards to the wanted person file.

Revised August 24, 2017

Chief of Police
Shane Collins
1. PURPOSE AND SCOPE
This order establishes Department participation and access to local, state, and federal criminal justice information systems. The Department has access to equipment needed to access information from other agencies through LEDC.

2. PROCEDURES
A. La Crosse Emergency Dispatch Center (LEDC):
   1. Local information systems include the computerized countywide computerized law enforcement records system which is accessible by LEDC for any type of requests being made by field units including local warrants and related police information.
   2. With the teletype terminals at LEDC, personnel may access a number of agencies and files on request which include:
      a. Department of Transportation (DOT) for vehicle and operator records.
      b. Criminal Information Bureau (CIB) for criminal histories.
      c. Statewide network for communications with other law enforcement and criminal justice agencies.
   3. Such teletype terminals may also communicate with various federal record systems such as the National Crime Information Center (NCIC).
   4. Data entry and retrieval requirements are the responsibility of LEDC and its personnel.

B. Police Department:
   1. The HPD is equipped with radio communications for monitoring and use with the LEDC system. Various forms of radio links may be arranged by LEDC to allow communications with other agencies and departments for the assignment and restriction of specific talk group channels during emergencies, tactical incidents or heavy radio traffic.

   2. Fax machines assist in document dissemination.
3. The department has sufficient equipment to access all communication and information systems.

4. The Primary multi-agency communication channels are, “Sheriff 1”, “Sheriff 2”, “Coordination” “Car to Car”, “LC Fire”, “Marc 1, 2, 3, 4” “Tristate”.

Sheriff 2 will be used for short durations while the main channel Sheriff 1 is held during an emergency or tactile situation. If another emergency or tactical situation occurs while Sheriff 1 is being held, Sheriff 2 will be held and other agencies will be directed to use Coordination. LEDC will designate the channels for use.

5. The inter-agency communication channels are “DPW”, “FG Blue – Red – White” and “car to car”.

6. Long distance communications should use “point to point”

Radio unit Identifiers

1. Chief – 701
2. Lieutenant – 702
3. Officers start at – 705

Wisconsin 10 Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-1</td>
<td>Unable Copy - Change Location</td>
</tr>
<tr>
<td>10-2</td>
<td>Signal Good</td>
</tr>
<tr>
<td>10-3</td>
<td>Stop Transmitting</td>
</tr>
<tr>
<td>10-4</td>
<td>Acknowledgment (OK)</td>
</tr>
<tr>
<td>10-5</td>
<td>Relay</td>
</tr>
<tr>
<td>10-6</td>
<td>Busy - Unless Urgent</td>
</tr>
<tr>
<td>10-7</td>
<td>Out of Service</td>
</tr>
<tr>
<td>10-8</td>
<td>In Service</td>
</tr>
<tr>
<td>10-9</td>
<td>Repeat</td>
</tr>
<tr>
<td>10-10</td>
<td>Fight In Progress</td>
</tr>
<tr>
<td>10-11</td>
<td>Dog Case</td>
</tr>
<tr>
<td>10-12</td>
<td>Stand By (Stop)</td>
</tr>
<tr>
<td>10-13</td>
<td>Weather-Road Report</td>
</tr>
<tr>
<td>10-14</td>
<td>Prowler Report</td>
</tr>
<tr>
<td>10-15</td>
<td>Civil Disturbance</td>
</tr>
<tr>
<td>10-16</td>
<td>Domestic Problem</td>
</tr>
<tr>
<td>10-17</td>
<td>Meet Complainant</td>
</tr>
</tbody>
</table>
10-18  Quickly
10-19  Return to _____

**10-20**  Location

**10-21**  Call ( ) by Phone
10-22  Disregard
10-23  Arrived at Scene
10-24  Assignment Completed
10-25  Report in Person (Meet)
10-26  Detaining Subject, Expedite
10-27  (Drivers) License Information

**10-28**  Vehicle Registration Information
10-29  Check for Wanted

10-30  Unnecessary Use of Radio
10-31  Crime in Progress
10-32  Man with Gun
10-33  Emergency
10-34  Riot
10-35  Major Crime Alert
10-36  Correct Time
10-37  (Investigate) Suspicious Vehicle
10-38  Stopping Suspicious Vehicle
10-39  Urgent - Use Light, Siren

10-40  Silent Run - No Light, Siren
10-41  Beginning Tour of Duty
10-42  Ending Tour of Duty
10-43  Information
10-44  Permission to Leave ___for___
10-45  Animal Carcass at ___
10-46  Assist Motorist
10-47  Emergency Road Repair at ___
10-48  Traffic Standard Repair at ___
10-49  Traffic Light Out at ___

10-50  Accident (F-Fire, PI-Personal Injury, PD-Property Damage)
10-51  Wrecker Needed
10-52  Ambulance Needed
10-53  Road Blocked at ___
10-54 Livestock on Highway
10-55 Intoxicated Driver
10-56 Intoxicated Pedestrian
10-57 Hit and Run (F-Fire, PI-Personal Injury, PD-Property Damage)
10-58 Direct Traffic
10-59 Convoy or Escort

10-60 Squad in Vicinity
10-61 Personnel in Area
10-62 Reply to Message
10-63 Prepare Make Written Copy
10-64 Message for Local Delivery
10-65 Net Message Assignment
10-66 Message Cancellation
10-67 Clear for Net Message
10-68 Dispatch Information
10-69 Message Received

10-70 Fire Alarm
10-71 Advise Nature of Fire
10-72 Report Progress on Fire
10-73 Smoke Report
10-74 Negative
10-75 In Contact with ___
10-76 En Route ___
10-77 ETA (Estimated Time of Arrival)
10-78 Need Assistance
10-79 Notify Coroner

10-80 Chase in Progress
10-81 Breathalyzer Report
10-82 Reserve Lodging
10-83 Work School Crossing at ___
10-84 If Meeting ___ Advise ETA (Estimated Time of Arrival)
10-85 Delay due to ___
10-86 Officer / Operator on Duty
10-87 Pickup / Distribute Checks
10-88 Present Telephone # of ___
10-89 Bomb Threat
10-90 Bank Alarm at ___
10-91 Pick Up Prisoner / Subject
10-92 Improperly Parked Vehicle
10-93 Blockade
10-94 Drag Racing
10-95 Prisoner / Subject in Custody
10-96 Mental Subject
10-97 Check (Test) Signal
10-98 Prison / Jail Break
10-99 Wanted / Stolen Indicated
10-100 Deceased

Phonetic Alphabet

A - ADAM  B - BOY  C - CHARLES  D - DAVID
E - EDWARD  F - FRANK  G - GEORGE  H - HENRY
I - IDA  J - JOHN  K - KING  L - LINCOLN
M - MARY  N - NORA  O - OCEAN  P - PAUL
Q - QUEEN  R - ROBERT  S - SAM  T - TOM
U - UNION  V - VICTOR  W - WILLIAM  X - X-RAY
Y - YOUNG  Z - ZEBRA

Shane Collins
Police Chief

This Policy cancels and supersedes any and all previous Policies and Directives relative to the subject matter contained herein.

Initial 11/10/2016
Purpose
It is the purpose of this policy to provide officers with guidance on effective communication during police contacts with the deaf and persons who have hearing impairment.

Policy
Most officers will have encounters with persons who are deaf or affected by significant hearing loss — whether that be as victims, witnesses, or suspects. To ensure effective communication with persons who are deaf and hard of hearing, and to conform to provisions of federal and state law, officers shall follow the guidelines provided in this policy.

Definitions
Lip reading: Also referred to as speech reading; the ability to use information gained from movements of the lips, face, and body to increase understanding.

Sign language: American Sign Language (ASL) is the form of sign language most often used in the United States. Signs convey concepts or ideas even though a sign may stand for a separate English word. Signing individual letters by finger spelling can supplement sign language. Just as there are regional variations (dialects) in spoken English, there are regional differences in sign language.

Auxiliary aids and services: As defined in the Americans with Disabilities Act (ADA), these are communication aids that assist people who are deaf or who have hearing loss. They include, for example, hearing aids, cochlear implants, the exchange of written notes, telecommunications devices for the deaf (TDDs) also called text telephones (TTs) or teletype -writers (TTYs), telephone handset amplifiers, assistive listening systems, videotext displays, and hearing assistance dogs.

Direct Access: In the context of ADA requirements, direct access means that all calls from persons who are deaf, have hearing loss or have speech impairments must be accepted through this department's emergency communication center by whatever means are provided to other members of the public. They may not be relayed through third-party emergency service providers unless the caller asks the department to do so.

Procedures

A. Encounters with Persons who are the Deaf and Hearing Impaired Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that a person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:
a. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:
   i. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability
   ii. Failure of persons to respond to spoken commands or signals
   iii. Use of signs, hand signals, or gestures in an attempt to communicate
   iv. Display of cards by the person noting his or her hearing disability
   v. Inability or difficulty of a person to follow verbal instruction or requests for information
   vi. A need to see the officer’s face directly, suggesting that the person is attempting to lip read
   vii. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
   viii. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium
b. When dealing with persons who are, or who are suspected of being, deaf or who have hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
c. Once someone is identified as a deaf or hearing impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, lip reading, reading and note writing, or speech.
d. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.
e. Officers shall address all questions and directives to persons who lip-read by facing them directly and speaking in a moderately paced conversational tone. Shouting or using exaggerated mouth movements interfere with the ability to lip-read. Understanding can be further degraded by the presence of facial hair, chewing gum, cigarettes, and so on.
f. Officers shall be aware that only about one third of words can be accurately interpreted by lip reading. Therefore, communication of a critical nature (e.g., Miranda warnings) shall be reinforced by other means of communication.
g. Officers shall not assume that persons who wear hearing aids can hear and fully understand what is being said. Some use hearing aids to provide sound awareness rather than to increase speech understanding.
h. Highly stressful situations, background noise, multiple speakers, and complex information and instructions can compromise the limited effectiveness of hearing aids. Officers shall test comprehension by seeking appropriate responses to simple questions or directives.
i. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.

B. Sign Language Interpretation Requirements
   - The need for use of a sign language interpreter is governed generally by the length, importance, and complexity of the communication.
   a. In simple enforcement situations, such as traffic stops, driver's license checks, or consensual police-public encounters, a notepad and pencil may provide effective communication
   b. During interrogations and arrests, a sign language interpreter is generally necessary to effectively communicate with a person who uses sign language.
   c. A sign language interpreter need not be available in order for an officer to make an arrest of a subject where probable cause is established independent of interrogating the deaf or hearing impaired suspect. A sign language interpreter may be called for to be available later at booking.
If probable cause to make an arrest must be established through questioning or interrogation of a deaf or severely hearing-impaired person, a sign language interpreter shall be requested.

This department shall maintain a list of available speech language interpreters as qualified by the National Registry of Interpreters for the Deaf and ensure their familiarity with common and essential forms of police communication for interrogation and related purposes.

Officers shall be required to demonstrate their ability to communicate basic ASL requests and directions as defined by this department.

C. Arrest Situations
   a. Recognizing that some persons who have hearing problems need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, all essential communication with the suspect should be completed prior to their application if possible.
   b. Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
   c. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.
   d. Officers shall ensure that deaf and hearing impaired persons who are arrested and transported to a booking site have their communication devices with them. Such devices shall be kept by arrestees and maintained by booking authorities in good working order.

Chief of Police
Shane Collins
PURPOSE
The purpose of this document is to establish guidelines for towing vehicles that need to be removed from private or public property after being abandoned, becoming disabled due to an accident, mechanical failure, an arrest, seizing a vehicle for evidentiary purposes.

POLICY
It is the policy of the Holmen Police Department to tow certain vehicles determined to be abandoned, disabled, damaged, seized for evidentiary purpose, and recovered as stolen or otherwise in need of being transported to a place of safekeeping, to correct a traffic hazard or to eliminate a public nuisance.

PROCEDURE

A. ABANDONED VEHICLE TOWING
   a. Officers assigned a complaint of an abandoned vehicle shall check the vehicle for wanted/stolen status and make reasonable attempts to contact the owner to resolve the situation.
   b. Suspected abandoned vehicles will be marked via chalked tires or similar methods to determine movement. After 48 hours, a parking citation will be issued, and a Tow Warning Notice applied. The Tow Warning Notice will be applied to the driver's side front or rear window or mirror, but not in the line of sight of an operator.
   c. A vehicle is considered abandoned if not moved within 48 hours per Ord 180-11 and WI Statues 342.40 and is subject to tow.
   d. Upon determining a vehicle is abandoned officer's shall:
      i. Issue parking citation to the registered owner for abandoned vehicle under WI State Statue 342.40. A certified letter will be sent to registered owner.
      ii. Complete a towed vehicle form.
   e. If the Officer is unable to identify the owner or has identified the owner and is unable to contact the owner or the owner has been contacted but is unable to or unwilling to remove the vehicle, the officer will have the vehicle removed to a place of safety. This being Paul's Towing or to any other place designated by a supervisor where it will be tagged and inventoried and held pending sale or release.
   f. Photograph the vehicle prior to tow and note any damage.
   g. Unclaimed vehicles will be disposed of by the police department in accordance with the Village Ordinance and State Statues.
   h. The owner of the vehicle will be responsible for all costs of towing and storage.
B. ARREST / OAR / SUSPENDED DRIVERS:

a. When an officer makes a custodial arrest of a person, or said person has a revoked or suspended license while operating a motor vehicle and vehicle has no evidentiary value, the officer should safeguard the person’s vehicle or property. Officer(s) will ask the arrested person if they would like to leave his/her vehicle legally parked, turned over to another person, or towed. If the vehicle is to be towed, contact the towing service of the persons’ choice. If there is no preference of towing service, generally the closet service, or most available should be contacted except under circumstances where:
   i. The vehicle is released to another party at the scene who is not intoxicated and who possesses a valid driver’s license. The owner/operator under arrest must consent to the release of vehicle to that person.
   ii. The vehicle is released to a responsible party not at the scene with a maximum half hour response time. This will be officer discretion if officer has time to wait for responsible party, also with owners consent.
   iii. The vehicle stopped and would remain parked on property owned, leased or rented by the person arrested or the property owner gives consent for the vehicle to be secured at that location. If there is no consent by private property owner the vehicle must be removed. If operator of vehicle is unable to contact a responsible valid driver, the vehicle will be towed.
   iv. An on duty supervisor authorizes an alternative disposition

b. Parking and securing the arrested person’s vehicle on public streets is excpected if the vehicle is legally parked and would not cause any interference with day to day community business. The vehicle will be treated as any legally parked vehicle. Before leaving the scene mark tires to indicate the time and date for 48 hour parking ordinance, and indicate on header. Advise owner/operator that he/she will take all responsibility of vehicle if requesting vehicle to remain legally parked and officers leave the scene.

c. If the vehicle is being towed and there are other occupants in the vehicle, the officer shall attempt to make reasonable arrangements for the other occupants to reach their destination. Officers shall not transport these persons under normal circumstances. However, officers should attempt to make arrangements for a third party or commercial carrier to come to the scene, if requested by the passengers.

d. The disposition of the owner/operator of vehicle shall be documented in the officer’s written report and on the header sheet.

e. The owner of the vehicle will be responsible for all costs of towing and storage.

C. ACCIDENT AND TRAFFIC HAZARD

a. Officers investigating accidents or who encounter a disabled vehicle, where towing services are required shall ask the owner/operator at the scene if they have a preference for towing services. Towing services within a reasonable distance will be summoned at the request of the owner/operator.

b. Vehicles disabled in an accident or mechanically disabled may be left at the scene for later repair or removal by owner if:
   i. The owner/operator requests
   ii. The vehicle is legally parked or is placed on private property with the consent of the property owner.
   iii. The vehicle does not otherwise present a hazard to the public or the safer movement of traffic.

c. If no preference for towing services is stated, if the owner/operator is not at the scene or if the requested towing service is not within a reasonable distance from the scene, the closest or most available tow service will be contacted.

d. Officer shall use discretion when determining whether the requested towing services is within a reasonable distance based on the following criteria:
   i. Time of day and traffic volume
   ii. Whether there is road blockage or a traffic hazard
   iii. Other calls for service
e. In the event the officer cannot identify or contact the owner/operator and the vehicle must be removed immediately, the officer will contact the nearest qualified wrecker service to have them remove the vehicle to their business and secure the vehicle until contacted by the owner/operator of the insurance company.

f. The owner of the vehicle will be responsible for all costs of towing and storage.

D. EVIDENCE OR IMPOUNDED VEHICLE TOWING
   a. Vehicles seized or impounded shall be towed to the police impound area. An evidence form must be completed for all seized or impounded vehicles and a copy of the form shall be left with the vehicle and original top copy of form left with the evidence technician.
   b. Vehicles seized for evidentiary purposes, or otherwise impounded, shall be accompanied by an officer from the point of seizure until secured to ensure the chain of custody.
   c. Vehicles seized under this section shall be documented in the officer’s written report of the incident.
   d. For serious crimes or accidents, impound vehicles will be towed to the Holmen Police Department garage or other secured tow yard designated by supervisor. If vehicles cannot fit into the garage, arrangements will be made with the other secured facilities.

Vehicles may be seized as fruits of the crime which were used to transport any property or weapons to be used in a felony. Examples are the following:
   i. Burglaries, robberies, gang crimes, etc.
      1. Vehicles used to facilitate
         a. Impersonating a police officer
         b. Prostitution crimes
         c. Damage to cemetery over $2500
         d. Restraining order violations (except harassment)
         e. Stalking
      2. Vehicles involving drugs
         a. Manufacture
         b. Delivery
         c. Possession with intent to deliver
         d. Simple possessions of Schedule I or II narcotics
            i. Oxycodeone, OxyContin, hydromorphone, Demerol, methadone, Percocet, morphine, fentanyl, etc.
   ii. Vehicles seized as evidence shall be released by the Chief or Lieutenant with the consent of the District Attorney’s office.

E. RECOVERED STOLEN VEHICLE TOWING
   a. Other jurisdictions reporting stolen vehicles later recovered in Holmen shall immediately be notified by teletype of the recovery. The reporting agency shall provide a requested disposition of the vehicle including any special handling instructions such as:
      i. Hold the vehicle for evidence or fingerprinting.
      ii. The owner will pick up the vehicle at the scene if reasonable delay will not result.
      iii. The vehicle should be towed, including the vehicle owner’s preference for towing service, if known.
   b. The disposition of a vehicle stolen from and recovered in Holmen shall be determined through department records or thorough assigned officer.
   c. Vehicles held for evidence of fingerprinting shall be processed in accordance with Section E above and shall be taken to the department evidence storage area. The vehicle’s release will be through the Chief or Lieutenant with the consent of the jurisdiction originally reporting the vehicle stolen.
   d. Vehicles not held for evidentiary purposes, but not immediately released to the owner, shall be processed in accordance to Section E above as an impounded vehicle and shall be taken to the police storage area or other designated facility.
F. ILLEGALLY PARKED, SPECIAL EVENT AND SNOW EMERGENCY TOWING
   a. Vehicles may be towed when illegally parked, including those illegally parked during special events or in violation of the snow emergency ordinance. An on-duty supervisor must approve the towing of vehicles that are illegally parked except where the vehicle presents a traffic hazard or appears to be abandoned.

G. SELECTION OF WRECKER
   a. If owner/operator is at the scene ask the owner/operator if he/she has preference of a towing service. If no preference, name a couple of authorized services so the owner operator can choose one.
   b. In the event the owner/operator is unable or unwilling to cooperate, the officer will call the nearest qualified wrecker service and have the vehicle removed to its place of business where it will be secured pending its release.
   c. If there are special circumstances that require special equipment or quick response to a call the officer feels that the time factor, or special circumstances, require a specific towing services to be called because of known availability of service and equipment, the officer may have the dispatcher notify the towing service he specifies. The officer at the scene shall inform the owner/operator of the vehicle to be towed of his reasons, if possible.
   d. Officers may use thirty minutes as a reasonable waiting time for a wrecker under normal circumstances. If a special situation exists, officers may vary from this guideline.

H. NOTE
   Anywhere in this policy listed as “inventory”, photograph all items and any serial numbers associated with items.

Chief of Police
Shane Collins
Purpose
The Holmen Police Department has established the bicycle patrol unit for the purpose of aiding the community with patrol services. Bicycle patrol has been shown to be an effective way to increase officer visibility. Bicycles are quiet and can offer a tactical advantage to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

Policy
If manpower is available, patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will enhance the officer's mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Request for specific deployment of bicycle patrol officers shall be coordinated through the Chief or Lieutenant.

Uniforms & Equipment
Bicycyle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet and approved footwear. Riding gloves and protective eyewear are strongly encouraged.

The bicycle uniform consists of the standard short sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts. Officer with approval may wear un-identifying uniform clothing if working in a tactical or undercover assignment.

Optional equipment includes a jacket in colder weather or turtleneck shirts, radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms and other department equipment needed while on bicycle patrol.

Care and use of patrol bicycles
(a) Officer will be assigned a specially marked and equipped patrol bicycle with attached gear bag.

(b) Bicycles utilized for uniformed bicycle patrol will have “Police” decal affixed to each side of the crossbar or the bike’s saddlebag. Bicycles shall be equipped with front and rear reflectors and front and rear lamps. Lamps and reflectors must meet legal requirements.

(c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear, bags, and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls.

(d) Each bicycle gear bag should contain the proper paperwork for patrol, first aid kit, tools, pump, tube, and security lock.

(e) Each bicycle will be equipped with a steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle. This lighting may be used at the officer’s discretion.

(f) Bicycle officers must do an inspection of the bicycle and equipment before each use and return. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning.)

(g) If a needed repair is beyond the ability of the bicycle officer, a repairs request will be noted to the Chief or Lieutenant.

(h) At the end of the bicycle patrol shift, the bicycle will be returned clean and ready to use for the next shift.

(i) Officer will not modify the bicycle other than adjusting the seat, handle bars, and peddles for use.

(j) Bicycles will be properly secured when not in the officer’s immediate presence.

**Officer Responsibilities**

Officers must operate the bicycle in compliance with Wisconsin law under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to an officer when operating an authorized emergency vehicle do not proved relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequence of reckless disregard for the safety of others. (Wis. Stat. § 346.03(5))
Officers are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

(a) In response to an emergency call  
(b) While engaged in rescue operations  
(c) In the immediate pursuit of an actual or suspected violator of the law