

Wausau Police Department

Wausau PD Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

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

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

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MISSION STATEMENT

The Wausau Police Department strives for excellence in policing by partnering with the community to enhance the quality of life.

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GOALS AND OBJECTIVES

The Wausau Police Department has established the following goals in an effort to provide the highest quality and best community service that it can offer:

- (a) To focus department resources toward a proactive approach to the prevention of criminal activity within the City, in addition to detection, apprehension and prosecution of criminal offenders.
- (b) To implement community policing and problem-solving strategies wherever practical, and foster community participation and partnership to combat criminal activity. By working with neighborhoods, business leaders, schools and other government agencies, the Department will actively pursue remedies to their concerns.
- (c) To effectively and efficiently facilitate the safe movement of vehicles, pedestrians and bicycles on city streets. To reduce vehicle accidents through education, awareness and selective enforcement programs designed to increase safety.
- (d) To work with city officials in developing strategic planning for the city as a whole, and the police department.
- (e) To provide a working environment that promotes employee growth and development, while ensuring high-quality, efficient and cost effective services. The Department will accomplish this through expanded use of active recruitment of applicants, career development, training opportunities and upgraded technology.

In 2016, the Wausau Police Department will seek accreditation through the Wisconsin Law Enforcement Accreditation Group (WILEAG). Below outlines the details of this 2016 goal:

Accreditation is a voluntary process whereby an agency is evaluated on the existence of and compliance with prescribed standards set by the Wisconsin Law Enforcement Accreditation Group (WILEAG). WILEAG consists of 15 members who come from leadership roles in Wisconsin law enforcement agencies as well as professionals from related disciplines. The professional standards set by WILEAG cover virtually all key areas of agency operations and administration and are believed to be the highest standards in policing.

The seven phases in the accreditation process include: inquiry, application, self-assessment, request for review, on-site assessment, Governing Board review, and maintaining compliance.

The WILEAG Governing Board confers first time accredited status after a review of the findings and upon the positive recommendations of the on-site assessment team.

The findings of the independent review and achievement of accredited status provide:

- (a) *A well-deserved sense of professionalism and pride by the agency, the agency's personnel, and the community that the agency serves.*
- (b) *Communities gain security in the knowledge that their agencies are well managed and utilizing the best police practices in the State of Wisconsin.*
- (c) *Prosecutors have the assurance that enforcement operations and personnel are consistently well directed.*
- (d) *Local officials know that there is an independent review and evaluation of agency operations.*

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Peace officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 TERRITORIAL JURISDICTION

The jurisdiction of the Wausau Police Department includes the city of Wausau, geographic boundaries of which are defined in a document entitled "Official Boundary, City of Wausau, Wisconsin." In accordance with Wis. Stat. § 66.0217(9)(a), this document is filed by the City Clerk with the State Secretary of Administration on an annual basis. A record is held with the Marathon County Register of Deeds. The city of Wausau GIS Division of Public Works maintains up to date maps of official city of Wausau boundaries.

100.3 CONCURRENT JURISDICTION

"Concurrent jurisdiction" refers to the sharing of, or having equal authority within, the same jurisdictional boundaries by two or more governmental entities. In routine circumstances not amounting to mutual aid requests, the Wausau Police Department recognizes that other criminal justice agencies may have concurrent jurisdiction by law to conduct operations within the city of Wausau. In addition, other agencies may, on occasion, enter the city of Wausau to carry out specific operations in the performance of their lawful duties. It shall be the policy of this department to provide assistance and cooperation to other agencies operating lawfully within the city of Wausau.

100.4 PEACE OFFICER POWERS

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

100.4.1 FRESH PURSUIT PEACE OFFICER POWERS

For purposes of criminal and civil liability, an officer may, when in fresh pursuit, follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce (Wis. Stat. § 175.40(2)).

100.4.2 POWERS OUTSIDE THE JURISDICTION

An officer outside the territorial jurisdiction of this department may arrest a person or provide aid or assistance anywhere in the state if the following conditions are met (Wis. Stat. § 175.40(6)(a)):

- (a) The officer is on duty and on official business.
- (b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.
- (c) The officer is acting to respond to any of the following:

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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.

100.4.3 POWERS OUTSIDE THE JURISDICTION AND WITHIN THE COUNTY

Officers deputized by the Sheriff of this county are authorized to arrest a person anywhere in the county. Officers should be redeputized upon the election of a new Sheriff. An example of officers who will be deputized would include, but are not limited to, those assigned to the Special Investigations Unit.

Officers not deputized by the Sheriff of this county are authorized to arrest a person anywhere in the county when all of the following conditions have been satisfied. The following does not apply to situations covered under Wis. Stat. § 175.40(2) and Wis. Stat. § 175.40(6)(a):

- (a) Permission has been obtained from the jurisdiction in which the arrest will be made.
- (b) The officer(s) operate in accordance with the Mutual Assistance Agreement, which is incorporated herein as an attachment to the Wausau PD Policy Manual.

[See attachment: Mutual Assistance Agreement 2014.pdf](#)

100.4.4 OFF-DUTY PEACE OFFICER ARREST AUTHORITY

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

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

100.4.5 FEDERAL PEACE OFFICER POWERS

A federal law enforcement officer, while engaged in the performance of official duties, may do any of the following anywhere in the state (Wis. Stat. § 175.40(7)(b)):

- (a) Make an arrest for a violation of state law or render aid or assistance if the officer has reasonable grounds for believing that a felony has been or is being committed in his/her presence and has reasonable grounds for believing that the person to be arrested has committed the felony.
- (b) Render assistance to a Wisconsin peace officer in an emergency or at the request of the Wisconsin peace officer.

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100.5 INTRASTATE PEACE OFFICER ASSISTANCE

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

100.5.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE

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

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

Additionally, the tribal law enforcement agency requesting assistance must provide to the Wisconsin Department of Justice a copy of the resolution, proof of insurance or a copy of the required agreement. The Wisconsin Department of Justice must post either a copy of the document or notice of the document on the Internet site it maintains for exchanging information with law enforcement agencies.

100.6 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other adjoining states as applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state (Wis. Stat. § 175.46).

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

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100.7 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

100.8 CONSTITUTIONAL REQUIREMENTS

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Wisconsin are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive Officer of this department, as a condition of appointment, must be a citizen of the United States (Wis. Stat. § 66.0501(1)).

The Chief Executive Officer shall meet the required prerequisites and complete any course of training prescribed by the Wisconsin Law Enforcement Standards Board (LESB) (Wis. Admin. Code LES § 2.01(1)).

101.2.1 OATH OF OFFICE

The Chief Executive Officer shall take and file the official oath of office within 10 days after notice of election or appointment (Wis. Stat. § 62.09(4)(a)).

101.2.2 AUTHORITY

The Chief Executive Officer shall have command of the law enforcement force of the City under the direction of the mayor. The Chief Executive Officer shall obey all lawful written orders of the mayor or other appropriate elected body (Wis. Stat. § 62.09(13)(a)).

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.1.1 OATH OF OFFICE

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

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

State of Wisconsin,

County of _____,

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

Subscribed and sworn to before me this ____ day of _____, ____ (Year)

_____ (Signature)

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

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

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

102.1.2 CODE OF ETHICS

All officers shall abide by the Law Enforcement Code of Ethics, which serves as the basic standard of principle and professional behavior for officers of the Wausau Police Department.

Law Enforcement Code of Ethics

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

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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 in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

102.1.3 LAW ENFORCEMENT OATH OF HONOR

The Wausau Police Department adheres to the public affirmation of the Law Enforcement Oath of Honor, which serves to enhance integrity and demonstrate the department's commitment to the highest of ethical standards. The Oath of Honor shall be displayed throughout the Department. Frequent recitation by members of the Wausau Police Department is encouraged.

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

On my honor,

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

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

I will always uphold the constitution, my community, and the agency I serve.

102.2 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 DEFINITIONS

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

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

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

City - The City of Wausau.

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CFR - Code of Federal Regulations.

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

Department/WPD - The Wausau Police Department.

Employee/personnel - Any person employed by the Department.

LESB - The Wisconsin Law Enforcement Standards Board.

Manual - The Wausau Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Wausau Police Department, including:

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

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

USC - United States Code.

WisDOC - The Wisconsin Department of Corrections.

WisDOJ - The Wisconsin Department of Justice.

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

WisDOT - The Wisconsin Department of Transportation.

WILENET - The Wisconsin Law Enforcement Network.

103.4 ISSUING THE POLICY MANUAL

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

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

103.5 AUTHORITY TO EDIT THE POLICY MANUAL

The authority to create, issue, modify or approve Department policy rests with the Chief of Police.

The Chief of Police may delegate the authority to create, issue, or modify Department policy to a supervisor; typically the supervisor identified as the agency's Accreditation Manager(s). Final approval of Department policy will remain with the Chief of Police.

103.6 REVISIONS TO POLICIES

The Chief of Police or his/her designee may create, format, index, purge, update and disseminate policy through Lexipol's Knowledge Management System (KMS). KMS is a web-based solution, instantly available 24/7 on all internet devices.

The Department's Accreditation Manager(s) shall review all draft directives prior to implementation to ensure compatibility with existing policies, law and accreditation standards set by the Wisconsin Law Enforcement Accreditation Group (WILEAG). Any member may, by virtue of expertise/function, provide policy direction; however, final approval rests with the Chief of Police.

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

103.7 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is reviewed, at a minimum, every three years, and updated as necessary.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

See attachment: [Organizational Chart.pdf](#)

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Wausau Police Department. There are three bureaus in the Police Department:

- Administrative Bureau
- Patrol Bureau
- Investigation Bureau

200.2.1 ADMINISTRATION DIVISION

The Administrative Bureau is commanded by the Office Manager, whose primary responsibility is to provide general management, direction and control for the Administrative Bureau, including management of the department budget and the designation of the Custodian of Records. The Administrative Bureau consists of Technical Services and Administrative Services.

The Office Manager, or his/her designee, is responsible for periodic reporting of department activities.

200.2.2 PATROL DIVISION

The Patrol Bureau is commanded by the assigned Captain(s), whose primary responsibility is to provide general management, direction and control for the Patrol Bureau. The Patrol Bureau consists of Uniformed Patrol, Community Resource Officers, Community Service Officers, Crossing Guards, Humane Officers, Parking Control Specialists, and Emergency Police Volunteers.

200.2.3 INVESTIGATION DIVISION

The Investigation Bureau is commanded by the assigned Captain(s), whose primary responsibility is to provide general management, direction and control for the Investigation Bureau. The Investigation Bureau consists of the Detective Bureau, School Resource Officers, Special Investigations Unit Officers, and Evidence Room Custodian.

200.3 COMMAND PROTOCOL

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Organizational Structure and Responsibility

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Bureau Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Captain determined by time at rank
- (b) Lieutenant determined by time at rank

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of supervisors, orders relayed from a supervisor by an employee of greater, equal, or lesser rank, and orders relayed by some other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

200.4 ACCOUNTABILITY

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Organizational Structure and Responsibility

200.4.1 ACCOUNTABILITY FOR AUTHORITY

Each employee of the Wausau Police Department is accountable for his/her use of delegated authority. Unless otherwise prohibited by agency directive or law, authority may be delegated.

While responsibility ultimately remains with the person doing the delegating, each person is accountable for his/her own actions and results.

200.4.2 SUPERVISOR ACCOUNTABILITY

Supervisory personnel of the Wausau Police Department are accountable for the performance of employees under their immediate supervision.

Department Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Special Orders will be incorporated into the manual, as required, upon staff approval. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the revision date shown.

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 12-01 signifies the first Special Order for the year 2012.

Temporary Special Orders that become inoperative with the passing of the incident or period for which they are written, and are not intended for nor will be included in the manual, should be tracked and acknowledged similar to policy revisions.

201.2 RESPONSIBILITIES

201.2.1 STAFF

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

201.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review of any new Special Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the issuing authority.

Emergency Mobilization Plan

202.1 PURPOSE

Following is the Emergency Mobilization Plan (EMP) of the Wausau Police Department:

I. PURPOSE

To establish guidelines for a rapid and coordinated response to extraordinary occurrences that necessitate emergency response/mobilization of the Department.

II. DEFINITIONS

A. **COMMAND STAFF INCIDENT MANAGEMENT TEAM (CSIMT):** The CSIMT will provide for the management of the Department's role during certain emergencies. The group will include any number and combination of the Chief of Police, Captains, and Lieutenants, or in their absence their designees.

B. **EXTRAORDINARY OCCURRENCES:** situations, generally of an emergency nature that result from natural or man-made disasters, civil disturbances (and any resulting mass arrests), acts of terrorism, or other major criminal event; including bomb threat, active shooter situation, and hostage/barricaded person situation. Disasters include floods, hurricanes, blizzards, earthquakes, explosions, tornadoes, etc. Civil disturbances include riots, disorders, and acts of violence or potential violence arising from large gatherings (such as concerts, demonstrations, festivals or labor disputes) by reason of misconduct, criminal behavior, or aggressive/dangerous actions, which endanger public peace and safety.

202.2 POLICY

The Department recognizes the necessity to control and respond to extraordinary occurrences through the prudent use of available resources. In all emergencies, the Department's objective is to whenever possible quickly contain the situation, effectively render emergency services, protect lives and property, reduce injuries, deaths, and property damage, and restore the peace, which may require rapid mobilization of department personnel and resources, and requesting mutual aid.

202.3 EMERGENCY MOBILIZATION PROCEDURES

At the onset of an extraordinary occurrence, it shall be the responsibility of the patrol supervisor to evaluate the situation and determine an immediate suitable response to minimize any disruption to public safety, and is authorized to make immediate mutual aid and/or special teams request(s) as needed. The supervisor shall then notify a Captain (or on-call command staff), who will determine notification of the Chief of Police. A Bureau Captain and/or the Chief of Police may determine/adjust the level of response, which may include emergency mobilization of the department and/or further mutual aid requests.

A. The Chief of Police or his designee has the authority to commit any resources of the Department, in any amount deemed necessary, to mitigate the effects of the emergency and to minimize any threat or disruption to public safety.

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B. The Command Staff Incident Management Team (CSIMT), under the direction of the Chief of Police, shall review the general responsibilities for managing a resulting emergency situation, to include:

1. Assessing incident priorities;
2. Determining strategic goals;
3. Determining tactical objectives;
4. Developing an incident action plan;
5. Managing incident resources;
6. Coordinating overall emergency activities;
7. Ensuring personnel safety;
8. Coordinating the activities of any assisting outside agencies;
9. Authorizing the release of information to the media.

C. For use in conjunction with this Emergency Mobilization Plan, further guidance for department personnel is provided in the policy manual for the following types of extraordinary occurrences, which may give rise to emergency mobilization: **Public Assemblies, Civil Disturbances, and Mass Arrests (Chapter 427), Hostage and Barricade Incidents (Chapter 405), and Response to Bomb Threats (Chapter 406).**

E. The CSIMT may coordinate emergency planning activities with other local, state and federal agencies.

202.3.1 EMERGENCY MUTUAL AID SOURCES

A. The Department is a member agency of the North Central Emergency Response Team (NCERT), a law enforcement mutual aid system consisting of agencies located in northcentral Wisconsin, formalized by intergovernmental service agreement. The purpose of NCERT is to:

- (a) Provide extra law enforcement officers and equipment expeditiously (to supplement the requesting agency's personnel) at the scene of law enforcement emergencies within the member jurisdictions, where the needs of an emergency exceeds a member-agency's own routine capabilities.
- (b) Provide automatic and systematic response of law enforcement officers.
- (c) Provide for contractual responsibilities and liabilities.
- (d) Provide broad area mutual aid coverage.

NCERT has a range of response levels, and may be requested by a supervisor when deemed necessary to bring a situation under control. Operating procedures and activation instructions/guidelines are accessible here:

[NCERT Operating Procedures.pdf](#)

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B. The City and this Department recognizes the Marathon County Emergency Response Plan (ERP) overseen by the Marathon County Office of Emergency Management (OEM). Per Wausau Municipal Code 2.64.020, the county emergency management director is designated and appointed emergency management director for the City. The ERP provides for a strategic response to emergency situations and assigns specific responsibilities in the event the plan is activated. The Chief of Police or his designee may request ERP activation depending on the magnitude and/or type of extraordinary occurrence, including in conjunction with NCERT activation. The ERP may be activated by contacting the Marathon County 911 Communications Center, through which the designated OEM officials will be contacted to assess the information/request, and to determine and coordinate response activities. The Marathon County Emergency Operations Center (EOC) is located at Wausau City Hall. The ERP is accessible here:

[See attachment: Marathon County Emergency Response Plan.pdf](#)

C. Support to law enforcement is also available and provided by the Wisconsin Emergency Management (WEM), which includes an Emergency Police Services program, to assist and/or assume coordination of state and local law enforcement activities to ensure the protection of life and property during emergency situations by providing for a comprehensive program of emergency procedures, leadership, staffing, equipment and the mobilization of resources (Wis. Stat. Chapter 323).

The State Emergency Management Plan and additional regional information can be found on the Wisconsin Department of Military Affairs, Division of Emergency Management website: <http://emergencymanagement.wi.gov/planning/default.asp>

202.3.2 EMERGENCY CALL-BACK PROCEDURES

A. When otherwise off-duty personnel are needed to supplement on-duty personnel in the department's response to an extraordinary occurrence, as determined by the CSIMT, the Bureau Captains are responsible for notifying Lieutenants under their commands, and will delegate to Lieutenant(s) call back responsibilities for Officers. Officers called back shall be given instructions regarding any special equipment or uniform requirements and the location, and time to respond.

B. The following shall be a guideline for levels of call-back:

1. Level 1 Call-Back - shall be a call-back of 20 or less members of the Patrol Bureau for the incident or event.
2. Level 2 Call-Back - shall be a call back of more than 20 members but less than 50 members from any Bureau of the Department.
3. Level 3 Call-Back - shall be a call back of more than 50 members and may be from any Bureau of the Department.

An appropriate number of supervisory personnel shall be called back for each of various levels of members called back for duty.

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C. The CSIMT may direct all officers on details/assignments to be diverted from that assignment and to respond to the emergency or any location determined by the CSIMT.

D. The CSIMT during any of these call-back levels may make a determination to place officers called-back as well as other necessary Department members on 12 hour work shifts as needed depending on the duration of the incident or event.

E. The CSIMT shall determine if any special teams, vehicles, or personnel from other agencies are needed for the emergency and facilitate the requests to those agencies. The following are examples: NCERT, Marathon County Sheriff's Department SWAT, Bomb Squad, Dive Team, Crisis Negotiation Team; Wisconsin Department of Justice; Wisconsin Emergency Management.

F. The CSIMT shall also determine, if needed, the number of members to be placed on "stand-by" status. The contingent of personnel placed on "stand-by" status shall be kept in place for relief purposes, to be used as needed. The personnel on "stand-by" shall be contacted and advised of the emergency situation. They shall be given specific instructions as to when and where they may be needed for duty.

G. The CSIMT shall designate the staging areas, both primary and secondary, to which sworn members will respond, as well as location(s) for members placed on "stand-by" status. The following locations shall be staging areas and designated primary or secondary depending on the location of incident or event.

1. Location #1 – Public Safety Building – 515 Grand Avenue
2. Location #2 – Marathon County Sheriff's Department – 500 Forest Street
3. Location #3 - Any other location that may be designated and deemed necessary by the Chief of Police or designee.

202.3.3 ESTABLISHING A COMMAND POST

In certain emergencies it may be necessary to establish a command post away from the Department as a location from which to command and direct operations. In such emergencies, the CSIMT shall designate the location of the command post. In the event of ERP activation, the Emergency Operations Center (EOC) is located at Wausau City Hall, managed by Marathon County Emergency Management, and may be the designated command post.

A. The Chief of Police or his designee will designate an Incident Commander (and those person(s) who will assume Incident Commander role as relief if needed). The Incident Commander shall report to the command post, and should take steps to ensure the selected mobilization point is secure and readily accessible to responding personnel.

B. The Incident Commander shall assess the situation in regard to the initial level of call back and determine if the level of call back is appropriate for the current circumstances, and request escalation or de-escalation of the level of call back as needed.

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C. Depending on the magnitude of the event, the Incident Commander should consider organizing a command post staff, which may include some or all of the following: operations officer, intelligence officer, personnel and administrative officer, and logistics/equipment officer.

D. The Incident Commander should determine what special vehicles and equipment may be needed to assist the command post with containing the situation.

202.3.4 COMMUNICATIONS

The Incident Commander shall:

A. Determine through dispatch the appropriate method to facilitate communications between all personnel responding to the incident/occurrence.

B. Determine if operations need to operate on separate channel(s), and if so, coordinate with dispatch.

C. Determine through dispatch if additional dispatchers are required to adequately handle the added communications.

D. Determine primary method of communication for communications between Incident Commander and Supervisors (i.e. cellular phone).

202.4 PERSONNEL DUTIES AND RESPONSIBILITIES

All members of the department shall be responsible for certain duties and responsibilities in responding to an extraordinary occurrence:

A. COMMAND STAFF

Members of the department command staff (CSIMT) and/or Incident Commander shall be responsible for:

1. Formulating a plan of action.
2. Identifying the scope of the area involved, while identifying any future targets.
3. Identifying group leaders and designating different areas of disorder (in a civil disturbance event).
4. Directing available department resources to contain the situation, while monitoring/effecting arrests when appropriate.
5. Considering affected area security/containment measures to protect uninvolved persons from being endangered by the event, or the actions of a disorderly group.
6. Keeping Incident Commander informed of all events within containment area.
7. Anticipating and facilitating any needed mutual aid, including for law enforcement/service call coverage for the city.

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8. Insuring that all supervisors are informed of the nature of the occurrence, any evolutions of the situation, the mission and objectives, tactics and equipment to be used, the location of the command post and any arrest processing areas, and the method of communications.

9. Debriefing fellow command staff members who provide relief in the event of a prolonged situation. Such information should include changing patterns and strengths of the groups (for a civil disturbance event), any police-related incidents as well as recommendations for strategy changes.

B. LIEUTENANTS

In addition to potential participation in the CSIMT, responsibility of Lieutenants includes:

1. Completing any directed level of personnel call-back.
2. If requested, responding to the command post and assuming command of field operations.
3. If requested, assisting the Incident Commander in the field command post.
4. If requested, organizing department vehicles at the mobilization point.
5. Following orders of the Incident Commander, and delegating assignments to other officers.
6. Maintaining officer assignment lists and providing them to the Incident Commander.
7. Monitoring radio communications for radio discipline and updates from personnel.
8. Relaying orders and directions officers, including but not limited to, the nature of the disorder or occurrence and the mission to control it, location and telephone number/s of command post and arrest processing area, identity of participating commanding officers, designation of appropriate radio call signs and channel(s).
9. Instructing officers on the response/reaction to the incident; and in the event of a disorderly group, instructions regarding use of force and any guidelines on making arrests.

D. POLICE OFFICERS

1. Officers shall report to the designated location (command post, mobilization point, or any other locations as designated by the Incident Commander).
2. Officers shall respond with proper uniform and all special equipment designated by their commanding officer.
3. Officers shall identify radio channel(s) being utilized for the event and maintain proper radio discipline.
4. Officers shall follow all orders and instructions of all supervisors, including proper response/reaction to the incident, proper use of force, placement of vehicles, and any guidelines for making arrests.
5. Officers shall be aware of information disseminated, including the nature of the disorder and the mission to quell it, the location and telephone numbers of the command post and any arrest

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processing area, the identification of immediate supervisor and other commanding officers, the outlines of post or area responsibility.

E. SPECIAL TEAMS

Specialized personnel from other agencies (e.g., SWAT, CNT, Bomb Squad, Dive Team, Fire Department) will frequently be requested to respond/standby/assist in handling extraordinary occurrences. It will be the Incident Commander's decision, with input from participating special team leaders/commanders, whether to deploy a particular team. Once the Incident Commander authorizes deployment, the team leader/commander will be responsible for the tactical or other specialized portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, and support for any participating special teams.

202.5 POST-EVENT

For significant events/mobilizations, the CSIMT should designate a member to assemble documentation of the event, which may include the following:

- a. Any pre-event operational plan
- b. Dispatch/CAD logs
- c. Any personnel assignment logs
- d. Accounting of resources used (i.e., number of personnel, vehicles, equipment, supply/expense records).
- e. Incident, arrest, use of force, injury and property damage reports
- f. Photographs, audio/video recordings, dispatch records/recordings
- g. Media accounts

202.6 EMERGENCY EQUIPMENT INSPECTIONS

To ensure equipment readiness and availability, the Lead Tactical Instructor shall direct/complete a quarterly inspection of special equipment maintained by the Department for use in responding to extraordinary occurrences; to include breaching tools, ballistic shields, and ballistic helmets.

Also subject to inspection, a supply of barricades and traffic cones are maintained and stored at the Dept. of Public Works, an access key for which is maintained in the Patrol Lieutenant's office.

202.7 EMP TRAINING

The Bureau Captains are responsible for emergency response/mobilization planning for the department. At least annually, the department will engage personnel in emergency operations training, which may include tabletop or mock exercises based on an extraordinary occurrence, group debriefing on an actual extraordinary occurrence response, and/or training in conjunction with other agencies. The department will ensure at least two current supervisory

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staff members have acquired training in emergency operations management, incident command system, or similiar training.

Training

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 OBJECTIVES

The objectives of the training program are to:

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

203.4 TRAINING PLAN

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

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

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203.4.1 MANDATED TRAINING

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

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

203.4.2 DEPARTMENT TRAINING REQUIREMENTS

Training requirements include, but are not limited to the following:

- (a) Emergency Response Plan (supervisors and other appropriate personnel annually), includes:
 - 1. Familiarization with the Emergency Response Plan and the roles police personnel will play when the plan is activated.
 - 2. A full or partial exercise, tabletop or command staff discussion.
- (b) CPR/First-aid refresher (every two years).
- (c) Firearms training (all sworn employees quarterly).
- (d) Defense and arrest tactics (DAAT) (all sworn employees annually).
- (e) Prior to the carry of a firearm sworn officers shall receive copies and demonstrate understanding of all use of force policies.
- (f) All use of force policies (all sworn employees review annually).
- (g) Search, seizure and arrest (all sworn employees annually).

203.5 TRAINING NEEDS ASSESSMENT

The bureau commanders will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Patrol Lieutenants. The training needs assessment report will be provided to the Chief of Police and command staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING COMMITTEE

The bureau commanders shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities in post-incident evaluation and assessing related training needs. The bureau commanders may remove or replace members of the committee at their discretion.

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The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Chief of Police or the authorized designee to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the bureau commanders. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The bureau commanders will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their bureau commander. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. Guaranteed vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation
 - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
 - 2. Make arrangements through his/her supervisor and his/her bureau commander to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Wausau Police Department Policy Manual and other important topics. Generally,

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one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Department.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the department. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only complete DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

203.9 TRAINING RECORDS

The Administrative Supervisor, or designee, is responsible for managing and distributing training records in compliance with the Training Files section in the Personnel Files Policy, and shall update an employee's training record following participation in training programs. The Administrative Supervisor, or designee, shall maintain records of each training course that the department administers.

203.10 FIELD TRAINING PROGRAM

The Patrol Captain shall establish a field training program for recruit police officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance. See Field Training Officer program policy - 415.

203.11 TRAINING RELEVANT TO PROMOTIONS AND ASSIGNMENTS

The department shall provide for specialized training relevant to the acquired position for newly promoted or assigned members, to ensure they have the necessary training to perform in the position. Training may include on-the-job training with supervisor(s) and/or peers of the position, and training courses on skills and abilities unique to the position.

Within 30 days of beginning duties in the new promotion or assignment, the supervisor or respective Bureau Captain shall:

- (a) identify with the member needed/desired specialized training topics to upgrade and/or maintain the member's capabilities; and

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- (b) ensure selected specialized training commences, or is scheduled/enrolled.

203.12 REMEDIAL TRAINING

In order to maintain performance expectations of members, the department recognizes that some members may require remedial training to improve skills or knowledge in areas they are deficient.

In circumstances where deficiency has been identified, remedial training provides the member an opportunity to improve and elevate performance to an acceptable level.

Deficiencies may be identified by:

- (a) Performance evaluations
- (b) Evaluations during field training
- (c) Observations by, or reported to, a supervisor during routine duties
- (d) The member's understanding that he/she is not sufficiently skilled in a particular area.

Requests for remedial training (made by a member or his/her supervisor) will be directed to and evaluated by the supervising Bureau Captain(s). Remedial training may be required upon a member as directed by the supervising Bureau Captain(s) or supervisor designee. Remedial training may include (but is not limited to) training with supervisors, tactical instructors, and Field Training Officers; and/or attending training course(s).

Reasons for requiring remedial training include:

- (a) A member consistently demonstrates a lack of skill, knowledge or ability in the performance of job-related skills.
- (b) A member has been disciplined for conduct which may be corrected through remedial training.
- (c) A member is subject to a Performance Improvement Plan.
- (d) A member has been absent from his/her position for an extended period of time.

The extent and level of remedial training required may vary (and may be modified during its course) depending on the nature and extent of the identified deficiency and the member's demonstration of improvement or lack thereof. Remedial training status/progress is to be monitored by the member's supervisor and reported to the Bureau Captain(s).

Members directed to remedial training will be informed of the reason for the need for remedial training, the training goals, and the planned training parameters. Remedial training will commence as soon as practicable after the need for training has been identified. If the need for the remedial training presents a serious concern for the safety of the member or others, the supervising Bureau Captain(s), in consultation with training personnel and the Chief, will consider and may suspend the duty status of the member until the remedial training is satisfactorily accomplished.

Failure to participate or satisfactorily respond to remedial training may result in disciplinary action – See Policy 1009, Disciplinary Procedures.

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties.

The Wausau Police Department adheres to the City of Wausau Information Technology Policy, which is available on the Intranet under the CCDC webpage.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT E-MAILS

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

205.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Department letterhead may not be used for personal purposes.

205.4 SURVEYS

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

205.5 OTHER COMMUNICATIONS

Special Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee or a Bureau Commander.

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one Lieutenant during each shift.

Former Officer Carrying Concealed Weapons

207.1 PURPOSE AND SCOPE

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

207.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

207.2 POLICY

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

207.3 CERTIFICATION CARD

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

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

207.3.1 FEES

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

207.3.2 CARD REVOCATION

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

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207.4 AUTHORITY TO CARRY CONCEALED FIREARM

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

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

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

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

207.5 PROHIBITION

No former law enforcement officer may be certified to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C and related statutes.

207.6 IDENTIFICATION CARDS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

In accordance with Wis. Stat. § 66.0511(2), this policy regulates the use of force by officers of the Wausau Police Department in the performance of their duties and will be made available to the public upon request. This policy is based upon state law, current professional standards, and accepted practices.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active Resistance - Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

Defensive and Arrest Tactics (DAAT) - A System of verbalization skills coupled with physical alternatives.

Deadly force - The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

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

Intervention Options - An element of Disturbance Resolution in DAAT containing five modes in which an officer can intervene with a subject.

Objectively Reasonable - The standard by which police use of force is judged. The reasonableness of an officer's use of force is judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

Passive Resistance - Non-compliant and non-threatening behavior.

Reasonable Force - A physical act by an officer in the performance of duty when it is used to accomplish a legitimate police objective and the level of force used is objectively reasonable considering known facts and circumstances at the time of the incident.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

The Wausau Police Department adopts the Defensive and Arrest Tactics System. This is a system designed for all police officers for the primary purpose of self defense. This system includes the Incident Response and Disturbance Resolution Models which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Wausau Police Officers shall be trained and act in accordance with the DAAT system per State Training and Standard Bureau standards.

An overview of the Defensive and Arrest Tactics System can be found here:

[See attachment: Use of Force Guide.pdf](#)

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

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

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

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

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 FACTORS USED TO DETERMINE WHEN FORCE CAN BE USED

Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations:

- (a) To achieve and maintain control of resistive subjects.
- (b) To detain persons reasonably suspected of criminal behavior.
- (c) To make lawful arrests.
- (d) To defend themselves or others.
- (e) To prevent escape.

When deciding to use force, an officer shall take the following into consideration:

- (a) The severity of the alleged crime at issue.
- (b) Whether the suspect poses an imminent threat to the safety of officers and/or others.
- (c) Whether the suspect is actively resisting or attempting to evade arrest by flight.

When force is used, the use of force must fit into one of the following categories:

- (a) A trained technique.
- (b) A dynamic application of a trained technique (i.e., not quite the classroom model, but as close to it as possible under the circumstances).
- (c) A technique not trained, but justifiable under the circumstances.

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.

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- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 KEY RULES FOR USE OF FORCE

The following are important rules officers shall consider when using force:

- (a) The purpose for use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
- (b) If the level of force an officer uses is not effective to gain control, the officer may disengage and/or escalate to a higher level of force.
- (c) An officer need not escalate step-by-step through the Intervention Options. As the situation dictates, an officer may move from any mode to any other if he/she reasonably believes that a lower level of force would be ineffective.
- (d) Once an officer has gained control of a subject, he/she must reduce the level of force to that needed to maintain control.
- (e) Officers should strive to always maintain a position of advantage.

Control is a perception based on an officer's training, experience, and the fact situation.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be

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restricted. Officers are encouraged to use techniques and methods taught by the Wausau Police Department for this specific purpose.

300.4 INTERVENTION OPTIONS

Intervention Options consist of the following 5 modes in which an officer can intervene with a subject:

- (a) Presence
- (b) Dialogue
- (c) Control Alternatives
- (d) Protective Alternatives
- (e) Deadly Force

300.5 PRESENCE

Presence reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to "present a visible display of authority." Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is sometimes enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.

300.6 DIALOGUE

Dialogue covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to persuade subjects to comply with an officer's lawful directives. If communication is ineffective and an officer encounters danger, an over-riding concern, no progress, or a threat of escape, the officer should consider taking action to accomplish the lawful objective by using a level of force that is objectively reasonable.

300.7 CONTROL ALTERNATIVES

Control Alternatives includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called "pepper spray," and electronic control devices (ECDs) (also known as Conducted Energy Devices (CEDs)). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

While the overall purpose of Control Alternatives is to overcome passive resistance, active resistance, or their threats, the use of OC, ECDs, and passive countermeasures are restricted to those instances when an officer encounters active resistance or the threat of active resistance.

OC, ECDs, and passive countermeasures shall not be used to overcome passive resistance.

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300.8 PROTECTIVE ALTERNATIVES

Protective Alternatives include tactics and tools to overcome continued active resistance, assaultive behavior, or their threats. The tactics include focused strikes that disrupt a subject's ability to continue to resist or fight, a diffused strike that can cause an immediate—though temporary—cessation of a subject's violent behavior and the use of baton strikes to impede a subject.

300.9 DEADLY FORCE

Deadly Force represents the highest level of force available to law enforcement officers. An officer may use deadly force to respond to behavior, but only if no other reasonable option is available. In other words, deadly force is a last resort and the officer must be able to articulate that all options except deadly force were not viable. Deadly force is the intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

Use of deadly force is justified in the following circumstances:

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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- (a) The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- (b) The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

It is required that all sworn personnel receive a copy and demonstrate their understanding of this policy before being authorized to carry any firearm. All sworn personnel shall be provided training and review of this policy at least annually.

300.9.1 TARGET SPECIFIC DIRECTED FIRE

Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. It is purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target-specific directed fire is to stop the

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threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.

300.9.2 SHOOTING AT OR FROM MOVING VEHICLES

Officers should not discharge a firearm from or at a moving vehicle unless the officer reasonably believes that the occupant(s) of the vehicle are using or are about to use deadly physical force against the officer or another person.

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

300.9.3 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

300.9.4 USE OF VEHICLES - BLOCKADES, BARRIERS, AND RAMMING

The following may only be employed by a police officer if, and only if, the use of deadly force would be authorized:

- (a) The use of blockades or roadblocks constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.
- (b) Ramming of a suspect/evader vehicle by a police vehicle.
- (c) Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.

300.10 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

See Policy 301 - Use of Force Review for additional information on reporting and review of use of force.

300.10.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

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- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER Device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.11 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel. Generally, if the person does not visibly improve after 45 minutes or the officer observes other problems, medical assistance shall be sought.

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300.12 SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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

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

300.13 REVIEW

This policy shall be made available to the public at no charge upon request (Wis. Stat. § 66.0511(2)).

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300.14 TRAINING

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

Use of Force Reporting and Review

301.1 PURPOSE AND SCOPE

This order establishes an internal process for use of force reporting, review, and disposition of any incident wherein an officer:

- (a) Discharges a firearm except in a training situation or for lawful recreational purposes.
- (b) Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
- (c) Applies force through the use of a lethal or less lethal weapon.
- (d) Applies weaponless physical force at a level of Control Alternatives and/or higher when following the Intervention Options of Disturbance Resolution as defined under Policy 300 - Use of Force.

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

301.2 POLICY

The Wausau Police Department will objectively evaluate the use of force by its members to ensure their authority is used lawfully, appropriately and is consistent with training and policy. The system should help identify trends, improve training, improve safety and maintain agency credibility.

301.3 USE OF FORCE REPORTING

An officer shall complete an Incident Report or Use of Force Report when he/she:

- (a) Discharges a firearm except in a training situation or for lawful recreational purposes.
 - 1. This includes directing a firearm at an individual.
- (b) Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
- (c) Applies force through the use of a lethal or less lethal weapon.
 - 1. This includes directing a lethal or less lethal weapon at an individual.
- (d) Applies weaponless physical force at a level of Control Alternatives and/or higher when following the Intervention Options of Disturbance Resolution as defined under Policy 300 - Use of Force.

In incidents where more than one officer is involved, the primary involved officer will complete a report prior to ending his/her tour of duty. If the report cannot be completed by the end of tour of duty, the officer shall consult with his/her supervisor. Other involved officers may complete supplemental reports when deemed necessary. Exceptions to the timeliness of reporting would include officer-involved shootings or when the actions of an officer result in great bodily harm or the death of another person. Officer-involved shooting and death protocols shall be followed in

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the gathering of statements of involved officers. Additional information can be found in Policy 305 - Officer-Involved Shootings and Deaths.

301.4 REMOVAL FROM LINE DUTY ASSIGNMENT

Any time an employee's actions or use of force result in death or serious physical injury of a person, the Chief shall assign the involved employee(s) to administrative duties or leave pending the investigation. An employee may also be assigned to administrative duties or leave pending the investigation into a complaint of excessive force. Said determinations shall be made at the discretion of the Chief.

301.5 POST USE OF FORCE REVIEW

The Lead Tactical Instructor or designee will be responsible for reviewing all use of force incidents.

The purpose of this review is to facilitate analysis of use of force to identify trends, training needs, policy updates, equipment, and/or technical deficiencies. The review may also include an administrative and legal review of the officer(s)' actions. The Lead Tactical Instructor or designee will annually submit a summary report of use of force incidents to the Chief of Police.

In addition, the Chief of Police, or the authorized designee, for the same purpose, may convene a board of review and select board members from the following, as appropriate:

- Commanding officer in the involved member's chain of command.
- Lead Tactical Instructor or department instructor for the type of weapon, device or technique used.
- A peer officer.
- The senior ranking command representative who is not in the same rank as the involved employee will serve as chairperson.

At the conclusion of the review, copies of all relevant reports and information will be filed with the Chief of Police. The Chief will review reports, initiate disciplinary or criminal action if needed, disseminate reports to relevant personnel and agencies, and establish his/her own conclusions and recommendations.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

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302.3.3 NOTIFICATIONS

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

Handcuffing is required in custodial arrests, however it is recognized that situations may exist when the application of handcuffs or restraint devices is not feasible or reasonable.

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

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

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Less Lethal Weapons and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of less lethal weapons and techniques.

303.2 POLICY

In order to control subjects who are engaging in or threatening to engage in passive resistance, active resistance, or assaultive behavior, the Wausau Police Department authorizes officers to use Control Alternatives or Protective Alternatives in accordance with the guidelines in this policy and Policy 300 - Use of Force. In the performance of his/her duties, an officer shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

303.3 CONTROL ALTERNATIVES

Control Alternatives includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called “pepper spray,” and electronic control devices (ECDs) (also known as Conducted Energy Devices (CEDs)). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

While the overall purpose of Control Alternatives is to overcome passive resistance, active resistance, or their threats, the use of OC, ECDs, and passive countermeasures are restricted to those instances when an officer encounters active resistance or the threat of active resistance. OC, ECDs, and passive countermeasures shall not be used to overcome passive resistance.

303.3.1 ESCORT HOLDS

The goal of escort holds is to safely initiate physical contact. If a subject does not comply with an officer's verbal directions, he/she can use an escort hold to gain control of the subject, preventing a physical confrontation. An escort hold also enables an officer to move the subject in a controlled way—out of a dangerous location, for example.

303.3.2 COMPLIANCE HOLDS

The goal of compliance holds is to overcome passive resistance. Passive resistance occurs when a subject refuses to comply with a lawful directive from a law enforcement officer, but does not engage in physical action likely to cause harm to the officer or another person. The tactic of compliance holds includes two techniques:

- (a) Come-along
- (b) Pressure Points

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1. Mandibular angle (corner of the jaw below the ear)
2. Hypoglossal (beneath the jaw)

Both of these techniques work by creating a temporary sensory overload on the subject, which allows an officer to establish control. Once control is established, an officer shall reduce the level of force to that needed to maintain control.

303.3.3 CONTROL DEVICE CONSIDERATIONS

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee. Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

The goal of control devices (OC spray and ECD's) is to overcome active resistance or its threat. Active resistance, unlike passive resistance, involves a subject who is physically counteracting an officer's control efforts—under circumstances in which the behavior itself, the environment in which the behavior occurs, or officer/subject factors create a risk of bodily harm. The criterion of active resistance or its threat means that in general, control devices would not be appropriate to use against verbal aggression, against people who are running away, against children and older persons, and against persons engaged in peaceful civil disobedience—unless reasonably justified by the circumstances covered in Approach Considerations.

Verbal aggression occurs when a suspect is being argumentative, and/or confrontational with an officer. While this behavior alone can be difficult for an officer to deal with, Professional Communication skills are the preferred method. However, if arbitration is unsuccessful (REACT), and an officer/subject factor comparison dictates lesser levels of force would be ineffective, then a control device could be a viable alternative.

Before deploying a control device during a foot pursuit, the officer should consider, "What will the suspect force me to do when I catch him/her?" If the subject would force the officer to decentralize him/her during initial physical contact, using an ECD might be a better choice, as the risk of injury to the officer and subject would be less with an ECD as opposed to a passive countermeasure. On the other hand, if the officer does not think the subject would require him/her to immediately take the subject to the ground, then an ECD would probably not be the best choice. In that case an officer could safely respond with a lower level of force.

Officers making use of force decisions involving children, older persons, or females who are known to be pregnant should consider the following when deciding if a control device is a viable alternative: What is my alternative force option and does it increase the propensity of injury? If the alternative creates a higher risk of injury, then a control device is a very viable alternative.

In situations involving peaceful civil disobedience, officers may need to remove demonstrators from an area. If the protestors actively resist officers' attempts to remove them, a control device may be appropriate. If the subjects are displaying passive resistance only, compliance holds or pressure points would normally be the preferred choice.

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303.3.4 TRAINING FOR CONTROL DEVICES

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

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

303.3.5 OLEORESIN CAPSICUM (OC) SPRAY

The goal for using OC spray is to overcome active resistance or its threat. OC spray (also called "pepper spray") works by creating in the subject a variety of physical effects that may result in confusion and disorientation, thus disrupting the subject's ability to resist or continue to resist. All uniformed officers, trained in the use of OC, will be issued and required to carry OC aerosol while on duty. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.

When deciding to use OC spray, an officer shall:

- (a) Use it in accordance with the training provided by the Wausau Police Department, which is consistent with standards set by the Wisconsin Training and Standards Bureau.
- (b) Consider the potential for cross-contamination to the user, other officers, and bystanders.
- (c) Refrain from use if it appears children less than two years of age are in the area that would be contaminated.

When OC spray has been used, an officer shall:

- (a) Use Professional Communication skills to calm and reassure the subject, who may feel quite panicked.
- (b) Ask the subject if he/she is wearing contact lenses, and if so, allow him/her to remove them.
- (c) If the subject is wet with OC, dry him or her before transporting.
- (d) Encourage the subject to open his or her eyes and blink. This will encourage tearing, which will help wash out the OC.
- (e) If possible, remove the subject to fresh air, and face him or her into the wind.
- (f) Rinse the subject's face and eyes with cool water, preferably from a running tap or hose. Dipping the face into standing water will contaminate the water and result in re-exposure. Advise the subject not to rub his or her eyes.

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- (g) If available, use (non-lotion) soap and water to remove the resin from the skin, but do not use salves, creams, or lotions. These will trap the OC against the skin.
- (h) Seek medical assistance under any of these circumstances:
 - 1. If the subject requests it.
 - 2. If symptoms do not visibly improve after 45 minutes.
 - 3. If you observe any other problem or feel that medical assistance is warranted.

303.3.6 ELECTRONIC CONTROL DEVICES

See Policy 304 - Conducted Energy Device.

303.3.7 PASSIVE COUNTERMEASURES

The goal of passive countermeasures is to decentralize a subject—in other words, to direct a subject to the ground. It is appropriate to use passive countermeasures if an officer reasonably believes that he/she will be unable to achieve control with the subject standing. For example, a subject continues to violently resist, even while the officer applies a come-along, preventing the officer from achieving control and applying handcuffs.

This tactic includes four techniques:

- (a) Secure-the-Head Decentralization
- (b) Hug-Yourself Decentralization
- (c) Lower-Your-Center Decentralization
- (d) Pull-In/Push-Down Decentralization

Decentralizations may be needed in a variety of situations and from a variety of positions. Although only four techniques are taught as part of the DAAT system, other techniques may be needed and justified in dynamically evolving confrontations. Any decentralization technique used however, must allow an officer to follow these critical guidelines to minimize the chance of injury to the subject:

- (a) Protect the subject's head and neck as much as possible.
- (b) Control the speed of the subject's descent.

Once the subject is decentralized, the officer shall take appropriate action: either stabilize the subject on the ground and handcuff, or disengage and/or escalate.

303.4 PROTECTIVE ALTERNATIVES

Protective Alternatives include tactics and tools to overcome continued active resistance, assaultive behavior, or their threats. The tactics include focused strikes that disrupt a subject's ability to continue to resist or fight, a diffused strike that can cause an immediate—though temporary—cessation of a subject's violent behavior and the use of baton strikes to impede a subject. Continued resistance means that an individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force. Assaultive behavior occurs when an individual's direct actions generate bodily harm to the officer(s) and/or another person(s).

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303.4.1 ACTIVE COUNTERMEASURES

The goal of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. In essence the officer is interrupting the subject's ability to resist, enabling the officer to direct the subject to the ground for stabilization, handcuffing, and other follow-through procedures.

Active Countermeasures include:

- (a) Vertical Stuns
- (b) Focused Strikes

303.4.2 INCAPACITATING TECHNIQUES

The goal of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior. One such technique is taught in the DAAT system: the Diffused Strike. Like the Vertical Stun, the Diffused Strike disrupts nerve impulses to the brain. Unlike the Vertical Stun, however, the effect is usually greater, rendering the subject temporarily unconscious.

303.4.3 INTERMEDIATE WEAPON

The goal of using intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior. Intermediate weapons include a variety of impact and other weapons designed to impede subjects. The intermediate weapon included in the DAAT program is the straight baton. The baton—either a wood or plastic fixed-length baton or a metal expandable baton—is an impact weapon.

The appropriate target areas for baton strikes are the lower abdominal area (Baton Jab) and the knee and elbow area (Angle Strike and Angle-Cross Strike). The intentional use of a baton to strike the head of a subject carries with it a high propensity for serious injury or death. Therefore, although use of the baton is not classified as deadly force, an intentional strike to the head could be considered excessive force unless special circumstances justified it.

303.5 PROHIBITED TECHNIQUES

The use of neck restraints as a less lethal technique by personnel of the Wausau Police Department is prohibited. This prohibition would not apply to situations where a subject causes, or imminently threatens to cause, death or great bodily harm to the officer.

303.6 RESPONSIBILITIES

303.6.1 LEAD TACTICAL INSTRUCTOR RESPONSIBILITIES

The Lead Tactical Instructor or their designee shall control the inventory and issuance of all less lethal weapons and shall ensure that all damaged, inoperative, outdated or expended weapons or munitions are properly disposed of, repaired or replaced.

Every less lethal weapon will be periodically inspected by the Lead Tactical Instructor or the designated instructor for a particular control device. The inspection shall be documented.

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303.6.2 USER RESPONSIBILITIES

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

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

303.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a less lethal weapon or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy and Use of Force Reporting and Review Policy.

303.8 TRAINING

At least biennially, training for less lethal weapons and techniques shall occur for employees authorized to use such weapons.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER®s.

304.2 POLICY

The TASER Device is intended to control an individual who is actively resisting or threatening active resistance, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

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

TASER Devices are issued for use during a member's current shift. Upon completion of a shift, Officers are required to return the device to the department's inventory.

Officers shall only use the TASER Device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER Device shall wear the device in an approved holster on their person.

For all members carrying a TASER, the TASER shall be holstered in a position not immediately adjacent to his/her firearm.

Members carrying the TASER Device should perform a spark test on the unit prior to every shift.

All TASER Devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

Officers shall be responsible for ensuring that their TASER Device is in good working order.

Officers should not hold both a firearm and the TASER Device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the laser in a further attempt to gain compliance prior to the application

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of the TASER Device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

304.5 USE OF THE TASER DEVICE

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

304.5.1 APPLICATION OF THE TASER DEVICE

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

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

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER Device to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Individuals who are at the extremes of age (young or old) or physically disabled.
- (c) Individuals who are handcuffed or otherwise restrained.
- (a) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (b) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER Device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique

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to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER Device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER Device discharges.

If, after the discharge of a TASER, the subject claims injury, is visibly injured, or requires medical attention, the confetti tags and the expended cartridge, along with both probes and wires, should be collected and submitted into evidence. The cartridge serial number should be documented in the report and on the evidence paperwork. If feasible, Officers should photograph probe impact areas when medical treatment is needed or requested.

304.5.6 DANGEROUS ANIMALS

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

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304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER Devices while off-duty.

Officers assigned department TASERS who are authorized to take them home, shall ensure that TASER Devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all TASER Device discharges in the related arrest/crime report and the TASER will be turned into the Patrol Lieutenant for downloading. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented in a report or on a Use of Force report form.

304.6.1 REPORTS

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

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

304.7 MEDICAL TREATMENT

Officers deploying a TASER Device will, as soon as practical and safe, remove the probes from the subject consistent with their training. Officers will not remove TASER Device probes if they are lodged in a sensitive area (e.g., groin, female breast, head, face, neck). Used TASER Device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER Device probes or who have been subjected to the electric discharge of the device shall be assessed by the Officers on scene prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person may be pregnant.
- (b) The person reasonably appears to be in need of medical attention.
- (c) The TASER Device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) The person requests medical treatment.
- (e) Any individual who is exposed to multiple or prolonged applications (i.e., more than 15 seconds).

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If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

304.8 SUPERVISOR RESPONSIBILITIES

A supervisor shall review each incident when a TASER Device was deployed (not including daily testing). The device's onboard memory should be downloaded through the data port by a supervisor or the Lead Tactical Instructor and saved with the related arrest/crime report.

304.9 TRAINING

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

The Lead Tactical Instructor is responsible for ensuring that all members who carry TASER Devices have received initial and annual proficiency training. Periodic audits should be used for verification. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Lead Tactical Instructor. All training and proficiency for TASER Devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive TASER Device training as appropriate for the investigations they conduct and review.

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

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

The Lead Tactical Instructor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

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- (e) Handcuffing a subject during the application of the TASER Device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER Device.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

Criminal investigations and administrative investigations shall be independent from one another.

Department personnel conducting the an administrative investigation will not be involved in the criminal investigation and will not discuss their findings with personnel involved with the criminal investigation.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

305.4.2 INVESTIGATION OF OFFICER ACTIONS

The control of the investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Investigation section of this policy.

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer and any assisting uninvolved officers, should, as appropriate:

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

305.5.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any WPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Patrol Lieutenant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
- (f) Each involved WPD officer should be given an administrative order not to discuss the incident with other involved officers or WPD members pending further direction from a supervisor.
- (g) If the incident involved discharge of the officer's firearm(s), all firearms, plus ammunition, at the disposal of the involved officer at the time of the shooting incident shall be taken for evidentiary purposes. The supervisor shall take custody of the firearm(s) and ammunition in a discrete manner. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), he/she should be provided with a comparable replacement weapon and ammunition.

305.5.3 PATROL LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Lieutenant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Bureau Commander.

All outside inquiries about the incident shall be directed to the Patrol Lieutenant.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Bureau Captains
- District Attorney's Office
- OIS team / Outside agency investigators
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)

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- Involved officer's agency representative (if requested)

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated (Wis. Stat. § 164.02(1)(b)).
 1. Involved WPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-WPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved WPD officer. A licensed psychotherapist may also be provided to any other affected WPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

Each involved WPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

The Department will make effort to provide or make available secondary psychological services for the involved officer(s), and/or the officer's family.

- (a) The purpose of this service will be to allow the officer to express his/her feelings and to deal with the moral/ethical and/or psychological aftereffects of the incident.
- (b) The purpose of attempting to provide or make available this service 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 aftereffects of the incident.

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- (c) Aftercare psychological services for the officer and his/her family, outside of the fit-for-duty session(s) conducted by a mental health specialist, 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.

305.5.6 PEER OFFICER / MAST

In the event of an officer-involved shooting or death, after the involved officer(s) is removed from the scene, a peer (uninvolved) support officer should be assigned to accompany each involved officer. The Marathon Area Support Team (MAST) should be contacted to provide a peer support officer(s). The involved officer(s) will not be held or isolated in any area without a peer support officer. In general, the involved officer(s) should not be placed in the rear seat of a squad car.

305.6 CRIMINAL INVESTIGATION

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

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

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

- (a) WPD supervisors and Bureau Captains personnel should not participate directly in any voluntary interview of WPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) Prior to making a statement, the officer(s) will be allowed at least 48 hours after the incident (and two full sleep/wake cycles) and will be advised of their legal right to seek counsel.
- (d) The officer(s) involved in the incident will be allowed an opportunity to participate in a controlled walk-through of the scene of the incident and view any available video of the incident before making a formal statement.
- (e) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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305.6.1 REPORTS BY INVOLVED WPD OFFICERS

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

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

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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305.6.3 INVESTIGATIVE PERSONNEL

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

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

305.7 ADMINISTRATIVE INVESTIGATION

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Wis. Stat. § 164.02(1)(b)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

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3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)). If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Bureau Captains shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Chief or his/her designee should brief other Department members regarding the incident, in effort to dispel any rumors and avoid spread of

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misinformation. In addition, the Wausau Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

305.10.2 TACTICAL DEBRIEFING

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

305.11 REMOVAL FROM AND RETURN TO DUTY

The involved officer(s) will be placed on administrative leave as soon as possible after the incident has occurred. The involved officer(s) will remain on administrative leave until the formal interview has taken place or longer if necessary. The involved officer(s) will remain available during times specified by the Chief of Police. If an inquest is conducted by the District Attorney's Office, the involved officer(s) will remain on administrative leave until completed.

The Department shall make arrangements for the officer involved in the shooting incident to attend a mental health counseling session. This session should not occur sooner than five days after the shooting. After the counseling session(s), the mental health specialist shall advise the Department:

- (a) If the officer is fit to return to regular duty status; or
- (b) Whether it would be in the officer's best interest to be placed on administrative leave or desk duty, and for how long; and
- (c) What will be the best continued course of counseling.

The officer(s) involved may be required to undergo a psychological evaluation by a Department authorized psychologist at both 6 months and 12 months following the incident. The Chief of Police or his/her designee will be responsible for making arrangements for these examinations.

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If, after the involved officer(s) returns to his/her regular duties, and the officer(s) finds he/she is still suffering from the effects of post traumatic stress, the officer(s) should immediately report this to his/her supervisor. This could result in the officer being put on light duty or administrative duty until he/she is able to receive the necessary treatment.

305.12 MEDIA RELATIONS

No involved or uninvolved WPD officer shall make any comment to the media regarding the incident unless he/she is authorized by the Chief of Police or a Bureau Commander. When the officer's name is released to the media, the Department will attempt to notify the officer of this information prior to the release of his/her name.

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

305.13 REPORTING

If the death of an individual occurs in the Wausau Police Department jurisdiction and qualifies to be reported to the Wisconsin Department of Justice, the Patrol Bureau will ensure that the Administrative Supervisor is provided with enough information to meet the reporting requirements (Wis. Stat. § 165.845(2)).

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

See attached weapons list for types and specifications of authorized lethal and less-lethal weapons and ammunition:

[Authorized duty weapons](#)

306.3.1 AUTHORIZED SECONDARY HANDGUN

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

- (a) Prior to duty carry of any secondary handgun, the specific firearm must be approved by the Lead Tactical Instructor for such use; the Lead Tactical Instructor may restrict the type/makes/models of firearms allowed for secondary duty use.
- (b) The handgun shall be in good working order.
- (c) Only one secondary handgun may be carried at a time.

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- (d) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (e) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (f) The handgun shall be inspected by the Lead Tactical Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (g) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (h) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) The Lead Tactical Instructor shall record the make, model, color, serial number and caliber of the secondary handgun, who will maintain a record of any/all secondary handguns in use.

306.3.2 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) Prior to off-duty carry (based on one's authority as a peace officer), the firearm(s) must be approved by the Lead Tactical Instructor for such use; the Lead Tactical Instructor may restrict the type/makes/models of firearms allowed for off-duty carry.
- (b) The purchase of a personally owned firearm and ammunition for off-duty carry shall be the responsibility of the member.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) It will be the responsibility of the member to submit the firearm to the Lead Tactical Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Lead Tactical Instructor.
- (e) Prior to carrying any off-duty firearm, the member shall demonstrate to the Lead Tactical Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (f) The member will successfully qualify with the firearm prior to it being carried.
- (g) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Lead Tactical Instructor, who will maintain a list of the information.
- (h) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (i) Members shall only carry department-authorized ammunition.
- (j) When armed, officers shall carry their badges and Wausau identification cards under circumstances requiring possession of such identification.

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306.3.3 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms each calendar year. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Lead Tactical Instructor when needed, in accordance with established policy.

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

306.4 EQUIPMENT

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

306.4.1 WEAPONS INSPECTION, REPAIR, MODIFICATIONS

Review and inspection of duty and off-duty carry firearms shall take place by a firearms instructor at least annually, such as in course of annual firearms qualification. Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Lead Tactical Instructor.

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

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

306.4.2 HOLSTERS

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

306.4.3 TACTICAL LIGHTS

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

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Lead Tactical Instructor. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly

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installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Lead Tactical Instructor.
- (c) Cleaning or repair of firearms within the department is limited to the armory and cleaning station.
- (d) Rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Lead Tactical Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Lead Tactical Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Patrol rifles shall be inspected at the beginning of the shift. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

306.5.2 STORAGE AT HOME

Members shall ensure that all department-owned firearms stored in a member's home, vehicle (personal or department-owned) or any other area under their control are secured in a manner that will keep them inaccessible to children and others who should not have access.

Members should be aware that negligent storage of a firearm, whether department or personally owned, could result in civil or criminal liability (Wis. Stat. § 948.55).

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306.5.3 ALCOHOL AND DRUGS

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training at least quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms and shall meet or exceed the standards set by the Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85). Members will qualify with off-duty and secondary firearms at least annually. Training and qualifications must be on an approved range course.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION - REMEDIAL TRAINING

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, the Lead Tactical Instructor or firearms instructor shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

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

- (a) A member who fails to qualify with their duty firearm per the qualification standards of the Wisconsin Law Enforcement Standards Board shall receive remedial training prior to resuming official sworn-officer duties.
- (b) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (c) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (d) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional

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statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, the member may be required to file a written report with his/her Bureau Commander or provide a recorded statement to investigators.

306.7.1 DESTRUCTION OF ANIMALS

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

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

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

306.8 LEAD TACTICAL INSTRUCTOR DUTIES

The range will be under the exclusive control of the Lead Tactical Instructor. All members attending will follow the directions of the Lead Tactical Instructor. The Lead Tactical Instructor will maintain a roster of all members attending the range.

The range shall remain operational and accessible to department members during hours established by the Department.

The Lead Tactical Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Lead Tactical Instructor has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Lead Tactical Instructor. The Lead Tactical Instructor (and/or designee) shall maintain a record of all duty firearms and personally-owned firearms intended/used for off-duty carry.

The Lead Tactical Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency

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in the care, cleaning and safety of all firearms the member is authorized to carry. The Lead Tactical Instructor shall ensure that the handgun qualification standards set by the Wisconsin Law Enforcement Standards Board are either met or exceeded by each officer (Wis. Stat. § 165.85), and that all proficiency training and qualification is monitored by a certified weapons instructor.

The Lead Tactical Instructor shall keep documentation, to include: the qualifications of each instructor who provides the training, a description of the training provided, and a list of each member who completes the training. The Lead Tactical Instructor should keep accurate records of all training shoots, qualifications, repairs, and maintenance.

306.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Wausau Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Wausau Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to travel. If approved, TSA will send the Wausau Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Wausau identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

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307.1 PURPOSE AND SCOPE

The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law (Wis. Stat. § 346.03(6); Wis. Admin. Code LES § 3.07).

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

307.1.1 PHILOSOPHY

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

Self-discipline and sound professional judgment are important factors in the successful conclusion of a pursuit. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

307.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

307.3 OFFICER RESPONSIBILITIES

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

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

307.3.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. When transporting a non-sworn member or citizen in a police vehicle, officers shall not engage in a vehicle pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (e) Extended pursuits of violators for traffic violations, ordinance violations, or misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

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- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other officer is available to do so (Wis. Admin. Code LES § 3.07(1)(c)5).

307.3.3 SPEED LIMITS

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

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

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

307.3.4 OPERATIONAL SPEED MEASURING DEVICES

The speed measure device for emergency responses and pursuits by WPD squad vehicles will be the squad's speedometer. The WPD recognizes the limitations of current GPS equipped Mobile Audio Visual (MAV) equipment in regards to recording accurate momentary squad vehicle speeds due to program delays during instances of rapid acceleration and deceleration. The MAV recording of squad speed should only be used as a general reference since the MAV equipment and the squad speedometer are not always synchronized in instances of rapid acceleration and deceleration.

307.4 PURSUIT UNITS

Pursuits should be accomplished with a minimum number of vehicles and normally be limited to the primary pursuit vehicle and two additional vehicles. However, the number of units directly involved will vary with circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at appropriate speeds, following the rules of the road.

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Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit as soon as possible.

Any unit involved in, responding to, and/or supporting the pursuit in any manner shall have the squad video system activated for the entire duration of their involvement in the incident. All squad videos shall be submitted as evidence.

307.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

307.4.2 CANINE OFFICERS

Canine officers may initiate a pursuit but shall take a position other than lead vehicle when multiple police vehicles are involved. The canine officer will follow at a safe distance and be available to assist if the fleeing suspect tries to escape on foot.

307.4.3 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.4 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit joining the pursuit to minimize distraction.

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

307.4.5 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

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

307.4.6 PURSUIT DRIVING TACTICS

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat § 346.03(2)(a)).
- (c) Because intersections can present increased risks, the following tactics should be considered:
 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 1. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 2. Requesting other units to observe exits available to the suspect.

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- (e) Notifying the Wisconsin State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

307.4.7 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road unless a high risk vehicle contact is being initiated and supporting units are needed to respond to the scene in emergency mode.

The primary unit, secondary unit(s) and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit, or circumstances dictate emergency response by additional/back up Officers.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

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- (h) Control and manage WPD units when a pursuit enters another jurisdiction.
- (i) Preparing a post-pursuit critique and analysis, including a review of all reports and video and forward them to the Bureau Commander.

307.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. The dispatcher shall:

- (a) Advise units of the pursuit and restrict radio traffic.
- (b) Notify on duty supervisors to monitor the pursuit.
- (c) Keep units updated and assist in unit directions.
- (d) Coordinate others if it goes outside the City.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

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

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Wausau Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Wausau Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of officers at the termination of a pursuit that was initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

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307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit. Officers must receive approval from the on-duty WPD Patrol Lieutenant before joining an outside agency's pursuit.

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

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

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

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present, or as directed by the on-duty WPD Patrol Lieutenant.

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

307.8 PURSUIT INTERVENTION

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

307.8.1 WHEN USE IS AUTHORIZED

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

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307.8.2 USE OF FIREARMS

Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.8.3 INTERVENTION STANDARDS

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

- (a) Only those officers trained in the use of the PIT will be authorized to use this procedure.
Officers must consider the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle prior to use the use of the PIT.
- (b) The use of ramming is prohibited, unless deadly force is justified.
- (c) The use of a boxing technique during a pursuit must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
Officer/s should notify their supervisor of their intent to utilize this technique prior to its use.
- (d) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. If practicable, the officer/s should notify their supervisor of their intent to deploy tire deflation devices. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. Tire deflation devices shall not be deployed to stop motorcycles, motorcycle hybrids, mopeds, or similar recreational type vehicles such as, but not limited to, All Terrain Vehicles (ATV's) unless the use of deadly force is justified.
- (e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. A roadblock can constitute deadly force depending upon how it is set up. In analyzing these types of cases, courts will consider whether or not the police acted unreasonably in failing to recognize or pursue an alternative. Supervisory approval is required prior to implementing an open or closed roadblock technique.
 1. Open roadblocks with run out lane: This is placing of vehicles or other objects in the roadway to impede or alter the flow of traffic. The roadway is not completely blocked, but rather, a run out lane is provided. The intention is to induce the violator to stop by a show of force. Open roadblocks can only be approved by the supervisor or

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designee. The roadblock must be clearly visible and provide adequate warning to allow vehicles using the highway to come to a complete stop.

2. **Closed roadblocks:** The roadway is completely blocked, and no alternative route is provided. If the violator does not stop, he/she will crash. Closed roadblocks can only be approved by the supervisor or designee, and only when the behavior of the person being pursued has caused, or has imminently threatened to cause, death or great bodily harm to other persons or if such force is absolutely necessary to prevent death or great bodily harm to the pursuing officer or other persons. The roadblock must be clearly visible and provide adequate warning to allow vehicles using the highway to come to a complete stop.
3. **Channeling :** Channeling is not itself a technique that induces the violator to stop; it is used to divert a violator to a preferred location. The goal is to leave the violator with only one available route to travel, by blocking off alternatives. The same guidelines apply with respect to providing sufficient warning and adequate distance for the violator to avoid the blocked off road and choose a preferred route as with an open roadblock, above.

307.8.4 CAPTURE OF SUSPECTS

Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

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

307.9 REPORTING AND REVIEW REQUIREMENTS

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

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining and reviewing all available information, the on-duty supervisor shall promptly complete the Department's Post Pursuit Review form. In addition to attaching the relevant police reports and associated documents, the Post Pursuit Review should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit in distance and time
 3. Involved units and officers
 4. Initial reason and circumstances surrounding the pursuit
 5. Starting and termination points
 6. Alleged offense, charges filed or disposition: arrest, citation or other release

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7. Arrestee information should be provided if applicable
 8. Injuries and/or property damage
 9. Medical treatment
 10. The outcome of the pursuit
 11. Name of supervisor handling or at the scene
 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Chief of Police or the authorized designee shall direct a review of this policy to ensure statutory compliance (Wis. Stat. § 346.03(6)).
- (f) The Patrol Bureau Commander or the authorized designee shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation via WisDOJ WILENET system's Law Enforcement Pursuit Report. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
1. The circumstances of the vehicle pursuit, including the distance, location and maximum speed.
 2. The reasons for initiating the vehicle pursuit.
 3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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308.1 PURPOSE AND SCOPE

In accordance with Wis. Stat. § 346.03, this policy provides written guidelines for officers regarding exceeding speed limits and when otherwise in pursuit of actual or suspected violators. The Wausau Police Department shall review this policy by June 30 of each even-numbered year and, if considered appropriate, shall revise the policy.

308.2 TRAINING

The privileges granted under Wis. Stat. § 346.03 apply to the operator of an authorized emergency vehicle only if the operator has successfully completed a safety and training course in emergency vehicle operation.

308.3 NON-EMERGENCY RESPONSE

When responding to routine calls for service, vehicles shall be operated without the use of emergency lights and siren, in a safe manner, and in compliance with applicable laws and department policy. Police vehicles are under the continual observation by the general public and operators of such vehicles should operate vehicles in an exemplary and courteous manner even though prompt response is required for routine calls.

308.4 EMERGENCY RESPONSE

When responding in emergency mode, officers shall consider, among other factors, road conditions, density of population, severity of crime and necessity of pursuit by vehicle. Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required.

The emergency lights shall be activated whenever an officer, in the course of duty, stops, stands or parks an emergency vehicle contrary to the rules of the road. Officers may, however, elect to only use vehicle hazard flashers, rather than emergency lights on their vehicles, whenever it is necessary to stop, stand or park in a space adjacent to a curb, which is not a legal parking space, as long as the vehicle does not obstruct a traffic lane.

The emergency lights and siren shall be used whenever an officer, in the course of duty, passes through a stop sign or signal, operates contrary to regulations governing direction of movement or turning, or exceeds the speed limit.

An officer may exceed the speed limit without giving audible and visual signal, if the officer is obtaining evidence of a speeding violation; however, the officer shall activate this equipment and attempt to stop the violator once sufficient evidence is obtained for the violation. Officers responding to a call which is reasonably believed to be a felony in progress, may exceed the speed limit without giving audible signal but should give visual signal when doing so will not compromise a tactical response.

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When not giving an audible or visual signal, the officer must reasonably believe that one of the following exists:

- (a) Knowledge of the officer's presence may endanger the safety of a victim or other person.
- (b) Knowledge of the officer's presence may cause the suspected violator to evade apprehension.
- (c) Knowledge of the officer's presence may cause the suspected violator 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 a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest. (Wis. Stat. § 346.03).

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

308.5 REQUESTING EMERGENCY ASSISTANCE

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

308.5.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Patrol Lieutenant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

308.6 RESPONSIBILITIES OF THE RESPONDING OFFICER

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

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

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Dispatch of their determination. Any subsequent

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change in the appropriate response level should be communicated to Dispatch by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.7 COMMUNICATIONS RESPONSIBILITIES

A dispatcher should ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher should:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Confirm the location from which the unit is responding.
- (c) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (e) Control all radio communication during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor.

308.8 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Lieutenant or the field supervisor should verify the following:

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

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

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

When managing an emergency response, the Patrol Lieutenant or the field supervisor should consider the following:

- (a) The type of call or crime involved.
- (b) The necessity of a timely response.
- (c) Traffic and roadway conditions.
- (d) The location of the responding units.

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308.9 FAILURE OF EMERGENCY EQUIPMENT

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

The officer shall notify the Patrol Lieutenant, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Wausau Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 FUNCTION

Canine teams should be assigned to assist and supplement the Patrol Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Lieutenant to other functions, such as routine calls for service, based on the current operational needs.

The department may utilize a canine team in the following situations only if the canine team has been specifically trained for such situations/duties:

- (a) Tracking and apprehending persons who have escaped or who are in the process of escaping from crime scenes, arrests, correctional or mental health institutions.
- (b) Tracking missing persons.
- (c) Searching for criminals, criminal evidence and controlled substances.
- (d) To provide a strong psychological deterrent to certain types of criminal misconduct.
- (e) Provide demonstrations to further public relations.
- (f) Provide assistance to other law enforcement agencies.

Police canines will not be used for any purpose, other than official duties. Prohibited uses include:

- (a) Use for personal gain.
- (b) Entry in any dog show or exhibition, or registration with any society or organization without prior authorization.
- (c) Breeding purposes without written authorization of the Chief of Police.

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

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- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.5 REQUESTS FOR CANINE TEAMS

Sworn officers are encouraged to request the use of a canine when appropriate.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Lieutenant and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and if any of the following conditions exist.

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

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- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Lieutenant. Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

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A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNING AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

A canine is not subject to quarantine if the canine is immunized against rabies. However, after a bite, the canine must be examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident and on one intervening day. The Department shall ensure that the canine is confined when not performing law enforcement functions until the third examination has been performed (Wis. Stat. § 95.21).

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions

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and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics.

The use of narcotic-detection trained canines in public or private schools is permitted only when:

- (a) The principal or designated authority of the school requests or approves use of the canine.

309.8 HANDLER SELECTION

The following are the minimum qualifications for the assignment of canine handler:

- (a) The handler resides in a single-family residence where an outside kennel can be installed.
- (b) The handler agrees to be assigned to the position for the working life of the canine.

309.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

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- (c) Handlers shall permit the canine coordinator to conduct on-site inspections of affected areas of their residence, as well as their canine vehicles, to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (e) When off-duty, the canine shall be kept at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the home or kennel while under the direct control of the handler or a handler's responsible family member.
- (f) The canine may be permitted to socialize in the home with the handler's family while under the direct supervision of the handler or a handler's responsible family member.
- (g) Should a handler need lodging for their canine, the canine will be housed at another department handler's residence.
- (h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Lieutenant.

309.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Lieutenant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided within this policy.

Medical care for the canine is the responsibility of the handler. Prior approval is required for any non-routine medical care. Any indication that a canine is not in good physical condition shall be reported to the canine unit coordinator or the Patrol Lieutenant as soon as practicable. All records of medical treatment shall be maintained by the canine handler with the assistance of the administrative assistant as appropriate.

The handler shall notify the canine unit coordinator as soon as practicable when emergency medical care for the canine is required. Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency

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medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

309.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Wausau Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the Wausau Police Department may work with outside trainers with the applicable licenses or permits.

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309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); Wis. Stat. § 961.335; Wis. Admin. Code § CSB 3.05).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.12 VEHICLE PURSUITS BY CANINE OFFICERS

Concerning vehicle pursuits by canine officers, canine officers shall:

- (a) Follow Policy 307 - Vehicle Pursuits.
- (b) Take a position other than lead vehicle when multiple police vehicles are involved. The canine officer will follow at a safe distance and be available to assist if the fleeing suspect tries to escape on foot.

309.13 DEPARTMENT MEMBER GUIDELINES

The following are general rules of behavior when in the presence of a Department canine:

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- (a) Department members shall not stand between the canine and its handler.
- (b) If a working canine approaches a Department member, the member should not make any sudden moves. The member should remain still so as not to be mistaken as the subject of a search or incident.
- (c) Officers may arrest any person who intentionally hurts or attempts to hurt a Department canine or interferes with the legal performance of duty (Wis. Stat. 951.095).
- (d) Department members shall not direct any command to the canine unless so directed by the handler.
- (e) Department members shall not attempt to entice a canine to disobey its handler, unless so instructed by the handler in training.
- (f) Department members shall not enter any vehicle occupied by a canine unless so directed by the handler.
- (g) Department members shall not attempt to touch, handle, pet, or feed the canine without the permission of the handler.
- (h) Absent exigent circumstances, officers shall not unholster weapons or check handcuffs in the presence of a canine without prior notification to the handler.

Officers who are present at a scene where a canine has been deployed, shall adhere to the following guidelines:

- (a) When the Canine Unit is requested to search a building/area, the building/area shall be contained to maintain perimeter security.
- (b) Unless exigent circumstances dictate otherwise, officers shall not enter the building/area to be searched until the Canine Unit arrives.
- (c) In most cases a field supervisor shall respond to the scene. They shall monitor the operation and ensure that Department policy is adhered to.
- (d) Once a building search has been initiated, no one shall enter the building unless so instructed by the canine handler.
- (e) When a search is in progress, officers shall not engage in activity that may cause a distraction to the canine.
- (f) Officers who are requested to assist with the search by the canine handler shall take a position to the rear of the handler and shall carefully follow all instructions provided by the handler.
- (g) Once a canine has been unleashed by a handler, officers shall not attempt to effect an arrest until such time that the canine has been called off by the handler.
- (h) Officers who come between a fleeing suspect and a canine should remain as still as possible and not make any sudden movements.

309.14 CONTINGENCY CANINE PROCEDURE

In the event that a canine handler becomes incapacitated or injured at the scene of an event and is unable to control their canine, officers at the scene shall:

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- (a) Attempt to contact another Department canine handler and have the handler report to the scene.
- (b) In the event a Department canine handler is not available, contact another jurisdiction with a canine unit for assistance.
- (c) As appropriate to the circumstances, contact a member of the canine handlers family to assist in controlling the canine.
- (d) Attempt to contain or control the canine in a neutral area.
- (e) Tranquilize the canine if possible, only under the supervision of a veterinarian.
- (f) When an uncontrolled canine represents a clear danger or threat to the safety of others, the canine may be effectively disposed of. Such action is a matter of last resort.

Domestic Abuse

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

Domestic Abuse - "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

- (a) Intentional infliction of physical pain, physical injury or illness.
- (b) Intentional impairment of physical condition.
- (c) A violation of s. 940.225 (1), (2) or (3).
- (d) A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1., 2. or 3.

310.2 POLICY

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

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

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

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- (a) Calls of reported, threatened, imminent or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex when the location of the injury is a gender sensitive area. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.

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6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.
- (d) Contact the appropriate victims advocacy shelter and provide notification of the arrest.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in CAD.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of crime.
- (c) Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).
- (d) Alert the victim to any available victim advocates, shelters and community resources.

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- (e) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (f) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (g) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (h) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (i) Encourage the victim to seek an emergency order if appropriate.

310.6 DISPATCH ASSISTANCE

All calls of domestic abuse, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

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

310.8 VERIFICATION OF COURT ORDERS

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

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

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

310.9 LEGAL MANDATES AND RELEVANT LAWS

Wisconsin law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

- (a) Officers with reasonable grounds to believe a person is committing or has committed within the last 28 days, an act of domestic abuse, and the actions constitute a crime, shall arrest the person (unless a supervisor grants an exception) when any of the following apply (Wis. Stat. § 968.075(2)):
 1. There is reasonable basis for believing that continued domestic abuse against the alleged victim is likely.
 2. There is evidence of physical injury to the alleged victim.
 3. The person is the predominant aggressor.
- (b) In the event two adults may be arrested for an act of domestic abuse against each other, the investigating officer should only arrest the predominant aggressor. The officer shall consider all of the following in identifying the predominant aggressor (Wis. Stat. § 968.075):
 1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history.
 2. Statements made by witnesses.
 3. The relative degree of injury inflicted on the parties.
 4. The extent to which each person present appears to fear any party.
 5. Whether any party is threatening or has threatened future harm against another party or another family or household member.
 6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in Wis. Stat. § 939.48.
- (c) An officer shall not issue a citation in lieu of arresting a person for domestic abuse under Wis. Stat. § 968.075 (Wis. Stat. § 968.085). Nor may an officer release a person who was legally arrested for domestic abuse until the person posts bail under Wis. Stat. § 969.07 or appears before a judge (Wis. Stat. § 968.075).

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- (d) An officer with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 or a foreign court order as provided in Wis. Stat. § 813.128 shall arrest and take the person into custody (Wis. Stat. § 813.12(7); Wis. Stat. § 813.128).
 - 1. If an officer reasonably determines that a valid foreign protection order exists but cannot be enforced because the person has not been notified or served with the order, the officer should make reasonable efforts to inform the person of the order, serve the order upon the person and allow the respondent a reasonable opportunity to comply before arresting the person (Wis. Stat. § 813.128).
- (e) An officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has been advised of the 72-hour contact prohibition under Wis. Stat. § 968.075(5) and the person violated the contact prohibition.

310.9.2 REPORTS AND RECORDS

All arrests for crimes of domestic violence or an associated offense shall be documented in an agency report and sent to the District Attorney's Office for prosecution.

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

310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Wausau Police Department releasing a person arrested for domestic abuse shall inform the arrested person orally and in writing of the contact prohibition requirements of Wis. Stat. § 968.075, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621 (increased penalty for violating the contact prohibition). The arrested person shall sign an acknowledgment on the written notice that he/she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody.

Search and Seizure

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

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

311.3 SEARCHES

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

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

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

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

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

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

Search and Seizure

311.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated and would not compromise the investigation.

311.5 SEARCH WARRANTS

To be valid, a search warrant must:

- (a) Be in writing and signed by the issuing judge.
- (b) Be directed to a law enforcement officer.
- (c) Command that a particularly specified place or person be searched.
- (d) Particularly describe the subject matter of the search, such as why the objects sought are subject to lawful seizure.
- (e) Be dated.
- (f) Be based upon a sworn complaint or affidavit showing "Probable Cause."

Secrecy of a search warrant:

- (a) Wisconsin statute directs that the issuance of a search warrant be done with all practical secrecy. Disclosure of information concerning a search warrant before its execution is subject to criminal sanction unless disclosure is necessary for its successful service.

Execution of a search warrant:

- (a) Designated officers in a warrant must execute that warrant while probable cause exists, and within five (5) days of its issuance.
- (b) Once officers complete the search and leave the property, they cannot re-enter with the same warrant.
- (c) Officers may use all necessary force when executing a search warrant. They will photograph and document any damage that occurs during the execution of the search warrant.
- (d) Knock and Announce Requirement – When executing the warrant, officers will take the following actions before entering the premises to be searched:
 - 1. Knock on the door of the premises.
 - 2. Announce his/her identity as a police officer.

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3. Announce his/her purpose.
 4. Allow a reasonable amount of time for the occupant to permit entry.
- (e) Unannounced entry (No Knock Exception) – The Constitution requires that in most circumstances an officer knock and announce before executing a search warrant. Exceptions to the “Knock and Announce” requirement are:
1. Warrants with expressed no-knock authorization.
 2. When an officer, upon arrival at the scene, reasonably believes that knocking and announcing will create a strong likelihood of the destruction of evidence or danger to the officer or others.
- (f) The police may search any person found at the warrant site if the warrant so specifies or allows for a search of unnamed people. Otherwise, the police may frisk any people they might encounter at the warrant scene, if they can articulate a reasonable safety concern.
- (g) Give a copy of the warrant to the owner/renter, or leave the copy in plain view for the owner renter to find.

Requirements of seizure under a search warrant:

- (a) The officer may legally seize anything described in a search warrant. The officer may seize items not described in the warrant if:
1. Discovery of the evidence is in the course of a lawful search.
 2. The evidence, by itself or with facts known to the officer before the search, provides a connection between the evidence and any criminal activity.
 3. The discovered evidence is in the physical area properly searchable within the purposes of the issued warrant.
 4. The officer discovers the evidence while actually searching for objects within the purpose of the issued warrant.
- (b) Officers should record the description and location of the seized items. Photographs may also be useful to show the location of seized items.
- (c) Officers will terminate the search after locating all the described warrant items.

Return of a search warrant:

- (a) Within 48 hours after execution, a search warrant shall be delivered to the clerk designated in the warrant. A written inventory of any property taken shall accompany the return.

311.6 SEARCH INCIDENT TO LAWFUL ARREST

The officer, incident to arrest, can conduct a complete search of the person arrested and a limited search of the area readily accessible to the arrested person.

The reasons for a search by the officers incident to an arrest should be only for the following:

- (a) Protecting the officer from attack.
- (b) Preventing the arrested from escaping.

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- (c) Discovering and seizing the fruits of crime and finding instruments or objects that may have been used in the commission of a crime, or which might constitute evidence of a crime.

The readily accessible area of an arrested person can be further defined as that area within lunge, reach or grasp of the person at the time of the arrest.

Officers making a lawful arrest or executing a lawful search in a private residence may conduct a protective sweep of the residence, if they reasonably believe the areas may harbor individuals posing a danger to those on the scene.

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 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 probable cause to search supports the search.

Officers have no authorization to conduct searches of routine traffic violators who are not in physical custody but merely recipients of citations and subsequently released.

311.7 CONSENT SEARCH

A search warrant is not necessary when a person whom the officer reasonably believes has authority or control over the thing or 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.
- (c) Consent given by a person who has ownership, possession or control of only a portion of the premises can allow a search of only that portion.

Valid consent must be given freely and without coercion.

A person who initially gives consent may withdraw it at any time. Officers should then secure the premises and seek a warrant.

311.8 LAWFUL INSPECTION

Certain licensed premises, such as restaurants or taverns, are subjects by law to unannounced inspections. An officer may search the business premises without a warrant, although this authority does not extend to the owner's private office or an attached private apartment.

311.9 OTHER LAWFUL SEARCHES

Judicially recognized exceptions to the search warrant requirement include:

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- (a) **Public Property:** Officer requires no search warrant to search a place open to the public, except in certain situations where the person has a “reasonable expectation of privacy.” This includes public lands, places of business (but not private offices within), and common areas of apartment buildings.
- (b) **Open Fields:** Officers may seize without a warrant observed contraband or evidence on private property that is not part of the curtilage of a building or dwelling. The curtilage is an enclosed area immediately surrounding a house or dwelling where an individual has a reasonable expectation of privacy.
- (c) **Plain View:** While in a place lawfully, an officer may seize items that are in plain view and there is probable cause to believe the items are contraband, evidence of a crime or the fruits or instrumentality of a crime. An officer lawfully in a place to make an arrest may not go into other places or rooms solely to search for items that may be in plain view.
- (d) **Custodial Searches:** Any person lawfully taken into custody is subject to a full search. Strip searches shall be performed in accordance with the strip search policy.
- (e) **Vehicle Inventories:** Whenever possible, the individual officer who impounds a vehicle may conduct a custodial inspection and document any significant items found in the details. Officers may inspect the front and back seat, the floor area, the glove compartment and the trunk.
- (f) **Abandoned Objects:** Voluntarily abandoned and discarded items that are outside the area in which someone has a reasonable expectation of privacy.
- (g) **Probation and Parole Search:** A person released under Wis. Stat. § 302.043, 302.045, 302.05, 302.11, 302.113, 302.114, 304.02, 304.06, and 973.09, his or her residence, and any property under his or her control may be searched by a law enforcement officer at any time during his or her period of supervision if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of release or extended supervision. Any search shall be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing. A law enforcement officer who conducts a search pursuant to this subsection shall, as soon as practicable after the search, notify the Department of Corrections.

311.10 AUTOMOBILE SEARCH

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 to believe that the portion of the vehicle to be searched 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.
- (c) If a vehicle is stopped and there is reasonable suspicion that a person is armed, officers may require that the person exit the vehicle and submit to a frisk. In such circumstances, officers may search areas readily accessible to the driver and/or passengers in order to discover weapons.

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Officers, having probable cause to believe that contraband, evidence or the fruit of a crime are concealed within a vehicle, may conduct a non-warrant search of those areas to which the probable cause extends. 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.

A non-warrant vehicle search may also occur under the following circumstances:

- (a) Incident to a lawful arrest
- (b) Part of a lawful “stop and frisk” situation
- (c) With consent
- (d) Incident to a lawful inventory search

311.11 STOP AND FRISK

“Stop and Frisk” does not prohibit an officer from making contact with any person in a public place. During these contacts, a person is not required to answer questions, produce identification, cooperate in any way, or be frisked against their will unless reasonable suspicion exists that they are committing, are about to commit, or have committed a crime.

An officer, after being clearly identified as such when not in uniform, may stop a person in a public place for a reasonable time when he/she reasonably believes said person is committing, about to commit or has committed a crime. The officer may demand the name and address of the person and an explanation of his/her conduct. Officer will conduct the stop and temporary questioning in the vicinity where the person was stopped. During the stop, the officer should give the person stopped an explanation of the purpose of the stop.

The following are examples of some factors to consider in building reasonable suspicion for an investigative stop:

- (a) Officer has knowledge that the person has a felony record or history of police contacts of the nature the officer is investigating.
- (b) Person fits the description of a wanted person.
- (c) Person exhibits conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer’s view.
- (d) Person’s physical description is similar to that given in an “attempt-to-locate” for a specific offense.
- (e) Vehicle description is similar to one involved in a specific offense.
- (f) Person exhibits unusual behavior.
- (g) The area and time of day that an officer makes certain observations; for example, a person is observed in a public area which has a history of recurring crime during the same time as that of the stop.
- (h) Person displays suspicious activity/furtive movements that may indicate he/she is retrieving a weapon, or concealing, destroying or discarding contraband.

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If during the stop an officer reasonably believes that he/she or another person is in danger of physical injury, the officer may frisk the person for any weapons, instruments, articles or substances readily capable of causing physical injury and of a sort not ordinarily carried in public places. If an officer finds a weapon, instrument, or any other property in the person's possession that is not reasonably believed to constitute the commission of a crime or is a threat to his/her safety, the officer may take and keep it until the completion of the questioning. The officer should then return the property, if lawfully possessed, or arrest the person.

During a frisk, an officer may lawfully seize an object not suspected of being a weapon, but based upon his/her training and experience, can immediately ascertain that the object felt is contraband.

Under certain conditions, the protective frisk for weapons may extend beyond the person detained.

The most common example involves a vehicle, where a protective frisk may extend to those areas within the lunge, reach or grasp of the person detained. Such a search must be limited to those areas where a weapon may be concealed.

311.12 CRIME SCENES

Under certain conditions, a protective sweep of a crime scene may be conducted for the purpose of preserving life, preventing the destruction of evidence, and securing the scene. When the crime scene is secured, absent consent or exigence circumstance, a search warrant should be obtained prior to a search.

311.13 EXIGENT CIRCUMSTANCES

A search may be conducted under legitimate exigent circumstances, however, the search must cease when exigency no longer exists. This applies to situations including, but not limited to, community caretaking interests and fresh pursuit.

311.14 DOCUMENTATION

Officers are responsible for sufficiently documenting any search including documentation of the following:

- (a) Reason for the search.
- (b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- (c) What, if any, injuries or damage occurred.
- (d) All steps taken to secure property.
- (e) The results of the search including a description of any property or contraband seized.

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

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for dealing with juveniles who are in need of protection or who have committed acts contrary to state or federal statute or municipal ordinance.

The policy will also address the School Resource Officer Program. This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Wausau Police Department (42 USC § 5633).

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

Capias - A judicial order signed by a court of record directing law enforcement authorities to take a juvenile into physical custody and bring that person before the court.

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

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare and who has not obtained the age of 18. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - Without further qualification, a person who is less than 17 years of age, who has alleged to have violated state or federal criminal law or any civil law or municipal ordinance violation (Wis. Stat. § 938.02(10m)).

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile is kept within the secure perimeter of a jail or lockup after booking/processing is completed even if a department member is present and visually supervising.

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

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

312.2 POLICY

The Wausau Police Department shall have policies and procedures regarding agency functions and operations involving juveniles. The legislative intent of the Children's Code and Juvenile Justice Code is to protect children and the unity of the family in addition to promoting a juvenile justice system capable of dealing with the problem of juvenile delinquency whereby the community will be protected and juvenile offenders will be held accountable for violations of law.

It is the policy of the Wausau Police Department to actively support the legislative intent of the codes involving children and juvenile justice by developing and supporting programs designed to protect the safety of children while striving to prevent and control juvenile delinquency.

When dealing with juveniles, officers should always explore the least coercive solution among reasonable alternatives, consistent with preserving public safety, order and individual liberty.

312.3 JUVENILE OFFENDERS

All sworn personnel shall be familiar with the Juvenile Justice Code (Wis. Stat. § 938), Wisconsin Traffic Code, local ordinances and related policies which specifically address the handling of juveniles by the Police Department.

The intent of the Juvenile Justice Code is "to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively." As a guideline, disposition decisions should take into account the following factors:

- (a) The age and circumstances of the offender.
- (b) The nature and seriousness of the offense.

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- (c) The offender's record.
- (d) The availability of community-based programs.
- (e) Recommendations for diversion from complainants or victims.
- (f) The willingness of the offender to accept responsibility and accountability for his/her actions and to try to correct his/her behavior.
- (g) The willingness or ability of the offender's parent to properly guide the child.

Taking the above factors into consideration, officers may verbally warn the offender and release with no further action, issue a written warning, refer juvenile offenders to community-based programs, issue a Uniform Traffic Citation or municipal citation, or make a referral to Marathon County Children's Court Services.

312.3.1 TAKING A JUVENILE INTO CUSTODY

Under the Juvenile Justice Code, an officer may take a juvenile into custody when that officer either has judicial authority to take that juvenile into custody or the officer reasonably believes the juvenile has committed a delinquent act or has in some manner come within the jurisdiction of the juvenile court.

A juvenile may be taken into custody under any of the following:

- (a) A judicial warrant, capias, or other order has been issued or the officer reasonably believes has been issued or ordered in this state or in another state.
- (b) When the juvenile is committing or has committed an act which is a violation of a state or federal criminal law.
- (c) The juvenile has run away from his or her parents, guardian, or legal/physical custodian.
- (d) The juvenile is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary.
- (e) The juvenile has violated the conditions of court-ordered supervision or aftercare supervision or the conditions of an order for temporary physical custody by an intake worker.
- (f) The juvenile has violated a civil law or a local ordinance punishable by a forfeiture, provided that in any such case the juvenile shall be released as soon as reasonably possible.
- (g) The juvenile is absent from school without an acceptable excuse under Wis. Stat. § 118.15.

When a juvenile is taken into physical custody, the officer taking the juvenile into custody shall immediately attempt to notify the parent, guardian, or legal custodian of the juvenile by the most practical means. The officer shall continue such attempt until notification is made, or the juvenile is delivered to an intake worker, whichever comes first. If the juvenile is delivered to intake prior to parent, guardian, or legal custodian notification, it is intake's responsibility to ensure notification.

If the circumstances involved require immediate protective action, where there exists a clear and substantial danger to the juvenile's welfare, the officer shall take the child into custody and contact Social Services or Juvenile Intake.

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Whenever an officer takes a juvenile into custody and the juvenile is in need of emergency medical treatment, due to a serious physical condition, mental illness, drug dependence, or intoxication and requires prompt diagnosis or treatment, or exhibits conduct which leads the officer to believe that the juvenile is at risk of causing substantial harm to himself or others, the officer shall take the necessary action to obtain transportation to an emergency treatment facility for treatment (in accordance with Wis. Stats. § 51.15 or 51.45(11)).

312.3.2 RELEASE CONSIDERATIONS

In dealing with juvenile offenders, officers must use the least restrictive of reasonable alternatives consistent with preserving public safety, order and individual liberty. Apart from diverting juveniles to other social service agencies or juvenile courts, officers have a range of alternative remedies that they may employ. Officers should consider verbal warnings delivered at scenes of incidents, at homes, or the safety building; informal referrals; consulting with and arranging for corrective action by parents; and dropping or amending charges as appropriate. In any event, officers shall release the juveniles as soon as possible when release is considered to be the appropriate means of handling a situation. Officers shall abide by the following guidelines when releasing a juvenile:

- (a) **Release of Juveniles 15 and Over** — If the juvenile is 15 years or older, that juvenile may be released on their own responsibility when the officer reasonably believes that the juvenile is responsible, that the juvenile will return home, that the appropriate identification for the juvenile has been confirmed, and that the juvenile does not seem to require immediate adult supervision. The officer need not release a 15 year old on their own responsibility if the officer believes that the juvenile is not capable of handling such responsibility. For persons 15 years old, who are being released between 12:00 A.M. and 6:00 A.M., officers must attempt to contact parents or guardians before the child is released.
- (b) **Release of Juveniles Under 15** — It is important for the officer to realize that the manner of release for a juvenile is dictated, in many cases, by the age of the juvenile. When an officer takes custody of a juvenile who is under 15 who will not later be taken into formal physical custody, the officer may not release that child until the parents, guardian, or other legal custodian or a responsible adult accepts responsibility for that juvenile. For releasing after the issuance of a citation/summons, see Section 312.3.4.

When an officer intends to release the juvenile, that officer may release to the juvenile's parent, guardian, or legal custodian; to a responsible adult under certain circumstances; or to a runaway home licensed under the Juvenile Justice Code (Wis. Stat. § 938.227). In determining whether or not to release a juvenile to a responsible adult, that officer may consider the following factors about the adult:

- (a) The person's age.
- (b) The person's relationship with the juvenile.
- (c) The level of maturity or responsibility displayed by the person.
- (d) The person's concern for the juvenile and the juvenile's behavior.
- (e) The person's ability to indicate an exemplary standard of behavior for the juvenile.

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- (f) Any other factors which the officer may consider important in determining whether or not to release a juvenile to this person.

312.3.3 RELEASE WITH NO FURTHER ACTION

Subject to the above listed factors and release considerations, an officer may warn and release the offender for:

- (a) Offenses of a minor nature resulting in little or no loss value.
- (b) Offenses of a minor nature in which the victim does not wish to press charges or only wishes that the child be warned.

312.3.4 MUNICIPAL ORDINANCE AND TRAFFIC CITATIONS

Officers shall consider the following when deciding to issue a municipal ordinance or traffic citation:

- (a) A juvenile must be at least 12 years of age in order to be issued either a Wisconsin Uniform Traffic Citation or a municipal ordinance citation.
- (b) A juvenile must be at least 15 years or older in order to be released, unaccompanied and on their own recognizance, by the officer after being issued a citation. If the juvenile is 14 or younger, they can only be released to a responsible adult, preferably a parent. Release after issuance of a citation will not occur if the officer feels the juvenile may pose a danger to him/herself or others.
- (c) Any municipal ordinance violation for which the juvenile is cited will require a mandatory court appearance.
- (d) Civil traffic violations (Section I of bond schedule) for offenders aged 12-17 should be cited on a Wisconsin Uniform Traffic Citation. The traffic appearance before City court is mandatory.
- (e) Juveniles 16 years or older shall be treated as adults when they have committed a Section II criminal traffic offense. In most instances, an incident report should be completed for these offenses.
- (f) Juveniles 12-15 years of age committing a Section II criminal traffic offense should be issued a Uniform Traffic Citation. The case should be referred to Children's Court Services. A court date should not be indicated on the citation. In most instances, an incident report should be completed for these offenses.
- (g) Officers shall complete an incident report for traffic violations committed by juveniles under the age of 12 . The report shall be forwarded to Children's Court Services.
- (h) The parents of juveniles receiving either a municipal ordinance citation or a Uniform Traffic Citation shall be notified by mail within 7 days of the offense on the department's parent notification letter. This task shall be performed by clerical staff.

When investigating juvenile drinking violations, officers shall consider the following:

- (a) Officers coming into contact with juveniles who have illegally consumed or are in possession of intoxicants shall take enforcement action.
- (b) Juveniles under the age of 18 who have committed a drinking violation shall be released to a responsible party, preferably a parent.

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- (c) Officers shall use a PBT to test and confirm juvenile drinking violations. Officers should seek the means by which the juvenile(s) obtained alcohol and relevant facts as to their admittance to drinking intoxicants. When applicable, officers shall consider enforcement of the Social Host ordinance.

When investigating juvenile tobacco violations, officers shall consider the following:

- (a) Officers coming into contact with any person under the age of 18 who has violated the City's tobacco ordinance shall take enforcement action.
- (b) Officers coming in contact with violators under the age of 12 shall confiscate the contraband and notify a parent of the violation as soon as practical.

312.3.5 REFERRAL TO JUVENILE COURT INTAKE

Consistent with the intent of the Juvenile Justice Code and factors listed under 312.3, officers may refer a juvenile to Marathon County Children's Court Services. Generally, if a child has committed a crime, which would be a felony if committed by an adult, he/she should be referred to Children's Court Services. If a child is on court-ordered supervision, he/she should be referred to Children's Court Services for any subsequent offense regardless of the degree of seriousness.

312.3.6 TEMPORARY PHYSICAL CUSTODY

A juvenile intake worker, judge or court commissioner are the only people who can authorize the physical detention of a juvenile. Even when a juvenile meets the statutory criteria of the Juvenile Code for temporary physical custody, they have the discretion to withhold the requisite authorization for placing a juvenile into temporary physical custody. Officers must realize that even if a juvenile meets the criteria of the statutes and that officer believes that the juvenile should be placed in physical detention, there is no obligation to place that child into physical detention.

The officer should also realize there is an obligation to apply the least restrictive alternative in the disposition of a case.

When requesting temporary physical custody, officers shall:

- (a) Notify a juvenile intake worker.
- (b) Provide a juvenile intake worker with all the facts concerning the request.

When temporary physical custody has been authorized, officers shall:

- (a) Arrange for expeditious transport to the detention facility, unless medical treatment is required.
- (b) Complete the top portion of the Temporary Physical Custody Request form.

312.4 JUVENILE NON-OFFENDERS

All sworn personnel shall be familiar with the Children's Code (Wis. Stat. § 48). Consistent with the intent of the Children's Code, the best interest of the juvenile shall always be of paramount consideration.

If an officer encounters a juvenile who appears to be either neglected by the parent or guardian or who is a victim of physical, sexual, or mental abuse, or is an expectant mother whose unborn

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child is at a substantial risk or endangered due to the habitual lack of self-control in the use of controlled substances or alcoholic beverages to a severe degree, that officer shall make an immediate investigation. If it is determined by the investigation that the officer has reason under Wis. Stat. § 48.19(1)(d) to have the child placed in protective custody, the officer shall contact the Department of Social Services.

When investigating an abuse or neglect case, the investigating officer should make every effort to obtain pictures as well as physician's reports and any other documentation of the alleged abuse or neglect.

With supervisory approval, a member of the Investigations Bureau may be called in to assist or take over the case for serious neglect, physical, sexual, or mental abuse instances.

312.5 JUVENILES WHO SHOULD NOT BE HELD

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

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

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

These juveniles should not be held at the Wausau Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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

312.5.1 EMERGENCY MEDICAL TREATMENT

If a juvenile is believed to be suffering from a serious physical condition which requires prompt diagnosis or prompt treatment, the officer taking the juvenile into physical custody shall facilitate the transport of the juvenile to a hospital or physician's office (Wis. Stats. § 938.20 & 48.20).

312.5.2 SUICIDE PREVENTION

When the juvenile taken into custody by the officer falls within one of the following categories, the officer shall deliver the juvenile to the appropriate agency or facility:

- (a) If the juvenile is believed to be mentally ill, drug dependent, or developmentally disabled and that juvenile presents a substantial risk of harm to themselves or to others, that juvenile shall be processed as an emergency commitment under Wis. Stat. § 51.15.

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- (b) If due to intoxication where the juvenile has threatened, attempted or inflicted physical harm on himself or herself or on another, or is likely to inflict harm; or is incapacitated by alcohol, the juvenile shall be committed under Wis. Stat. § 51.45(11).

312.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Wausau Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Wausau Police Department shall ensure the following:

- (a) The Patrol Lieutenant should be notified if it is anticipated that a juvenile may need to remain at the Wausau Police Department more than four hours. This will enable the Patrol Lieutenant to ensure no juvenile is held at the Wausau Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

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- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

312.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Wausau Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Lieutenant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

312.9 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Wausau Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

312.10 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Patrol Lieutenant will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Wausau Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Investigation Bureau supervisor.
- (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Attorney.
- (e) Evidence preservation.

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312.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

In all cases in which a juvenile is in custody and interviewed or interrogated for his/her involvement in a crime, officers will ensure that the juvenile is first advised of his/her Constitutional Rights. For the purpose of this section, "juvenile" refers to a person who is 16 years of age or younger.

312.11.1 PARENTAL OR GUARDIAN NOTIFICATION

When a juvenile is taken into physical custody, the officer must immediately attempt to notify the parent, guardian, or legal custodian of the juvenile by the most practical means. Such attempts shall continue until the parent, guardian, or legal custodian is notified, or the juvenile is turned over to an intake worker.

In *State v. Jerrell C.J.*, the Wisconsin Supreme Court also noted that refusing to allow communication between a parent and juvenile who is in custody may be considered "coercive police conduct", thereby jeopardizing the admissibility of the confession in future court proceedings. Therefore, prior to beginning a custodial interrogation of a juvenile, officers will allow communication between a juvenile and parent under the following circumstances:

- (a) If the juvenile being held in custody asks to speak with his/her parent.
- (b) If the parent has requested to speak with the juvenile, and the juvenile is aware of the request.

If the parent has requested to speak with the juvenile, but the juvenile is unaware of the request, the officer may use discretion in determining whether to grant the communication. The officer must bear in mind that refusal to allow the communication may be considered by the "Courts" to be coercive conduct, thereby jeopardizing the admissibility of the confession as evidence in future court proceedings.

312.11.2 RECORDING CUSTODIAL INTERROGATIONS

All interrogations of juveniles under the age of 17 conducted at a place of detention in which the juveniles are held in custody in connection with an investigation of a delinquent act shall be electronically recorded. "Place of detention" means a secure detection facility, jail, municipal lockup facility, or secured correctional facility, or a police or sheriff's office or other building under the control of a law enforcement agency.

All interrogations of juveniles under the age of 17 conducted at a place other than a place of detention in which the juveniles are held in custody in connection with an investigation of a delinquent act shall be electronically recorded when feasible.

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment (Wis. Stat. § 938.195(2)).

For those investigations involving Class A or B felonies, interrogations shall be audiovisual recorded while Class C and lower felonies plus misdemeanor offenses will be audio or audiovisual recorded.

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Exceptions to an audio or audio-and-visual recording of a juvenile interrogation include (Wis. Stat. § 938.31(3)(c)):

- (a) The juvenile refuses to respond or cooperate in the interrogation if a recording is being made.
 - 1. The juvenile's refusal shall be documented by contemporaneous audio or audio-and-visual recording or in a written report.
- (b) The juvenile's statement is made in response to a question asked as part of the routine processing.
- (c) The juvenile's statement is made spontaneously and not in response to a question.
- (d) The officer, in good faith, fails to make a recording because the equipment does not function, or it malfunctions, stops operating or the officer inadvertently fails to operate the equipment properly.
- (e) Exigent public safety circumstances exist that prevent the officer from making a recording or that render the making of such a recording infeasible.

An officer conducting a custodial interrogation is not required to inform the juvenile that the officer is making an audio/visual recording of the interrogation (Wis. Stat. § 938.195(3)).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

312.11.3 OTHER INTERROGATION CONSIDERATIONS

When questioning a juvenile, officers shall not prolong the interview/interrogation beyond what is needed in order to complete the investigation. Also, the interview should be handled by one officer if at all possible so as to lessen the chance of a juvenile feeling intimidated or pressured.

It is recommended that no more than two officers be present for an interrogation.

312.12 SCHOOL RESOURCE OFFICER PROGRAM

The School Resource Officer Program has been established to accomplish the following major goals:

- (a) To decrease the amount of future crime by a concentrated crime prevention effort aimed at the senior and junior high level students.
- (b) To increase the reporting of crimes committed against juveniles and their property, and to increase the reporting of physical and sexual child abuse and/or neglect.
- (c) To decrease the number of crimes committed in schools or near school property.
- (d) To help juveniles and adults view the police department as a helping agency with the responsibility to protect and serve all citizens.

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Included in the duties of a School Resource Officer are:

- (a) Conducting investigations involving juvenile offenders and victims, diverting juvenile offenders out of the juvenile justice system when appropriate, and following up on situations where juveniles have been charged with criminal activity.
- (b) Conducting sensitive crime investigations, including child abuse and neglect, child sexual abuse and exploitation, and sexual assaults involving adult victims.
- (c) Assisting other officers with juvenile cases.
- (d) Establishing and maintaining liaison with certain agencies and organizations interested in juvenile matters.
- (e) Educating students and staff about the law and law enforcement.
- (f) Maintaining communication with the parents of juveniles who are victims or offenders.
- (g) Providing limited counseling to juveniles.
- (h) Designing and implementing programs intended to prevent and control delinquent and criminal behavior of juveniles while promoting the image of police and the Wausau Police Department.
- (i) Recommending policies to improve our efforts in dealing with juveniles and seeking the input from other elements of the juvenile justice system to assist in the development of policies and procedures.

312.12.1 GUIDELINES FOR IN-SCHOOL INVESTIGATIONS

The following are general guidelines for conducting in-school investigations:

- (a) An officer wishing to conduct routine police business in a school shall coordinate his/her on-campus activities through the School Resource Officer.
- (b) When the School Resource Officer is not available, permission to question a student in school will be sought from the principal or other responsible school official.
- (c) An officer or school official shall immediately take all reasonable steps to contact the parents, guardian, or legal custodian to advise them of the student interview unless the parent(s), guardian, or legal custodian are a suspect in the investigation. Officers or school officials will continue notification efforts, even after the interview has been conducted, until actual contact is made.
- (d) Except in cases of child and/or sexual abuse, a school official shall be present during a student interview when the investigation entails possible student misconduct or the interview involves meeting with one or more students for information gathering purposes.
- (e) A School Resource Officer shall be contacted, if possible, prior to an in-school search. The principal or other responsible school official will also be notified as school policy provides school staff with limited authority to conduct searches on school property. Officers involved in searches on school property shall ensure juveniles are afforded all rights guaranteed under the state and federal Constitutions.
- (f) In-school apprehensions should only be used when exigent circumstances exist or as a last resort when apprehensions elsewhere are not feasible. The principal or other responsible

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school official will be notified and the assistance of a School Resource Officer shall be sought, if practical. The apprehension is to be conducted in such a manner that disruptions are kept to a minimum.

312.12.2 TRUANCY

Any child who is absent from school without an acceptable excuse may be taken into custody by a law enforcement officer. If the child is taken into custody, the child shall be released to the child's parent, guardian, legal custodian or the child's school.

Under Wis. Stat. § 118.16(1)(a), a Habitual Truant pupil means a pupil who is absent from school without an acceptable excuse for part of all of 5 or more days on which school is held during a school semester. Truancy, as defined under Wis. Stat. § 118.16(1)(c) means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Wis. Stat. § 118.15.

- (a) Generally, enforcement of the habitual truancy and truancy violations shall be the responsibility of School Resource Officers. School Resource Officers will work with the school attendance officer in determining if a child qualifies as habitually truant or truant.
- (b) Those students attending grades 6 - 12 that have been determined to be habitual truants will be issued a Marathon County Court Truancy Citation, signed by an officer, ordering the student to appear before the court.
- (c) Those students, grade 5 and under, who have been determined to be truant will be dealt with under Wis. Stat. § 948.45(1). Elementary truancy targets the parent(s)/guardian rather than the student, focusing on the contributing to truancy.

312.13 TRANSPORTING JUVENILES

Whenever a juvenile is transported, the juvenile shall not be transported along with any adult that has been accused of a crime.

312.14 JUVENILE RECORDS

Consistent with Wis. Stats. § 48.396(1) and 938.396(1), police records of children shall not be open to inspection or their contents disclosed, except by order of Juvenile Court in accordance with Wis. Stats. § 48.293 and 938.293, or in compliance with the exceptions listed in the policy entitled Records Maintenance and Release. All other requests for juvenile records will be directed to the Administrative Supervisor.

Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care.

313.2 POLICY

The Wausau Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 NOTIFICATION

Members of the Wausau Police Department should notify the appropriate county elder-adult/adult-at-risk agency when an officer takes a report of adult abuse of an elder at risk or adult at risk.

For purposes of notification, an "elder adult at risk" is any person who is 60 years of age or older who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 46.90(1)(br)). An "adult at risk" is any adult 18 years of age or older who has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs, and who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 55.01(1)(1e)).

Members should immediately notify the Division of Quality Assurance, Office of Caregiver Quality regarding an adult who was abused in a care facility or while under the care of a facility.

313.4 INVESTIGATION CONSIDERATIONS

Members assigned to investigation of adult abuse should:

- (a) Present all cases of alleged adult abuse to the prosecutor for review.
- (b) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (c) Provide referrals to victim advocates, guardians and support for the victim and family as appropriate.

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

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Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.5.1 REQUEST FOR ASSISTANCE

If requested, a member shall accompany an investigator or worker of an elder-adult-at-risk agency or an adult-at-risk agency during visits to a residence of a victim and provide assistance as requested or necessary when (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)):

- (a) The investigator or worker is investigating suspected abuse, neglect, self-neglect or financial exploitation.
- (b) The victim is 60 years of age or older or is 18 years of age or older and has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs.

The identity of the requesting investigator/worker should be documented.

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the appropriate county elder-adult/adult-at-risk agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available

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and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the appropriate county elder-adult/adult-at-risk agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather enough information to begin an investigation. When practicable, investigating officers may defer interviews of a suspected adult abuse victim to the Detective Bureau.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

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In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including the appropriate county elder-adult/adult-at-risk agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

313.10.1 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

- (a) Providing a copy of the adult abuse report to the appropriate county elder-adult/adult-at-risk agency as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

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313.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

313.10.3 RESTRAINING ORDER

When an officer reasonably believes that an elder adult or adult at risk is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should contact the appropriate county elder-adult/adult-at-risk agency and request that they obtain a restraining order against the person alleged to have committed or threatened such abuse, if that person is not in custody (Wis. Stat. § 813.123).

If the appropriate county elder-adult/adult-at-risk agency is unwilling or unable to obtain a restraining order, the handling officer may attempt to obtain the restraining order on the victim's behalf. Action taken by the officer should be documented in any related report.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

314.2 POLICY

The Wausau Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action for any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DISCRIMINATION PROHIBITED

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classification protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the organization's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

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314.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when (see also Wis. Stat. § 111.32(13)):

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

314.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the State of Wisconsin, Department of Workforce Development, Equal Rights Division.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 STATE DISCRIMINATION LAW

Unlawful employment practices include discrimination against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters (Wis. Stat. § 111.31).

314.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and

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make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Services or the Mayor.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief of Police or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegations based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing members should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

314.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation (Wis. Stat. § 111.322(2m)).

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Services or the Mayor.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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314.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

314.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police or the Mayor or Director of Human Services if more appropriate.
- Maintained in compliance with the organization's records retention schedule.

314.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

314.8.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Services or the Mayor for further information, direction or clarification.

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Wausau Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Wis. Stat. § 48.981).

315.2 POLICY

The Wausau Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the appropriate county department or licensed child welfare agency is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Wausau Police Department shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

- (a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.
- (b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.
- (c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.
- (d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.
- (e) Cases where the child has been involved in sex trafficking or prostitution.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide

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necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Wis. Stat. § 48.981):

- (a) The handling officer shall immediately inform Social Services, by telephone or personally, of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.
- (b) The police department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the county department all of the following types of cases reported to the police department:
 1. Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.
 2. Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.
 3. Cases in which a person who is not a caregiver is suspected of abuse, as defined in s. 48.02 (1) (cm) or (d), of a child.
 4. Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.
 5. Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.
- (c) Notification, when possible, shall contain at a minimum:
 1. The name, address, age, sex and race of the child.
 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 4. The family composition.
 5. The source of the report and the name, address and occupation of the person making the report.
 6. Any action taken by the reporting source.
 7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.
- (d) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Medical Examiner shall also be notified (Wis. Stat. § 48.981(5)).

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315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated and shall complete said report prior to the next business day.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.

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- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned officer shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).
- (l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the appropriate county department or licensed child welfare agency. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the appropriate county department or licensed child welfare agency intake worker (Wis. Stat. § 48.981).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Wis. Stat. § 48.19):

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
 - 1. A court has ordered the removal of the child.
 - 2. The child is suffering from illness or injury or is in immediate danger from his/her surroundings and removal from those surroundings is necessary.
 - 3. The child is an expectant mother and there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the expectant mother's habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the expectant mother is taken into custody.

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Officers are required to take children into custody in the circumstances described above (Wis. Stat. § 48.981(3)).

315.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian or Indian custodian of the child by the most practical means. The officer shall continue such attempts until the parent, guardian, legal custodian and Indian custodian of the child is notified or the child is delivered to an intake worker, whichever occurs first (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

315.6.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old to an officer when the parent does not express an intent to return for the child. The officer shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195(1)).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

The officer shall provide the parent with the toll free number to the Department of Children and Families, (877-440-2229) or the appropriate social services brochure with this phone number and other relevant information (Wis. Stat. § 48.195; Wis. Admin. Code DCF 39.09).

Officers will take a case number and document the circumstances of the incident and the condition of the child being relinquished.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

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- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

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315.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

315.10.1 CRIMINAL PROSECUTION

All cases in which there is a reasonable suspicion that an identified suspect committed an act of child abuse should be forwarded to the district attorney. All reports that contain an allegation that a child was a victim of a sex-related offense or threatened with such an offense by an identified person shall be forwarded to the district attorney (Wis. Stat. § 48.981(3)).

315.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Wis. Stat. § 48.981(7)).

315.10.3 CHILD DEATH REVIEW TEAM

This department will cooperate with a local child death review team as applicable.

315.10.4 COURT ORDERS

Employees may assist or provide information to the child abuse victim's parent, guardian or custodian on how to obtain a restraining order or injunction issued by the court for the protection of the victim. Officers shall arrest for violations of child abuse restraining orders as mandated by Wis. Stat. § 813.122(10)).

315.10.5 MANDATORY COORDINATION

An officer investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

315.10.6 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD

An adult expectant mother of an unborn child may be taken into temporary custody but only as authorized in Wis. Stat. § 48.193 and delivered to an intake worker. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of a court order.

Child Abuse

315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for his/her chronological age and developmental stage.
 - 2. Mentally or behaviorally disabled.
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 4. In a life-threatening situation.
 - 5. In the company of others who could endanger his/her welfare.
 - 6. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 7. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Are adults with a developmental disability, suffer from Alzheimer's disease or dementia, or suffer from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the person incapable of getting to a familiar location without assistance (Wis. Stat. § 175.51).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Crime Alert Network.

316.2 POLICY

The Wausau Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation

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reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

316.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 1. Immediately, when the missing person is at risk. Members shall use the form provided by the Wisconsin Department of Justice to disseminate reports regarding at risk missing adults in the Crime Alert Network (Wis. Stat. § 165.785; Wis. Stat. § 175.51).
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A description of the missing person.
 2. A photograph and fingerprint card of the missing person, if available.
 3. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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4. Any documents that may assist in the investigation, such as court orders regarding custody.
 5. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.5.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.

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- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Bureau.
- (e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

316.6 DETECTIVE BUREAU FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and

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Exploited Children and Adults ® and enter the photograph into applicable missing person networks (42 USC § 5780).

- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Detective Bureau should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.7.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.8 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

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- (b) If the missing person is a resident of Wausau or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, social media, telephone/text/e-mail notification systems, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Wausau Police Department should notify their supervisor, Patrol Lieutenant or Detective Bureau supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the appropriate Bureau Commander

317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

The Wisconsin AMBER Alert Plan is a voluntary partnership between law enforcement agencies and broadcasters to send out an emergency alert to the public when a child is abducted and is

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not used for cases that involve runaways or in most parental abduction cases unless the child's life is in danger.

317.4.1 DEFINITIONS

Definitions related to this policy include:

Abduction - The removal or retention of a child for any unlawful purpose (Wis. Stat. § 948.30).

Child/juvenile - A person age 17 years or younger whose location has not been determined and who is believed to have been abducted and is in danger of serious bodily harm or death.

317.4.2 CRITERIA

The Wisconsin AMBER Alert Plan requires the following criteria to exist before activation can occur:

- (a) The child must be 17 years of age or younger
- (b) The child must be in danger of serious bodily harm or death
- (c) The Department has enough descriptive information about the child and the person who is suspected of abducting the child, and/or the suspect vehicles, to believe a broadcast will help locate the child

The AMBER Alert is not to be used for runaways or family abductions unless the child's life is in danger.

The single point of contact to request activation of an AMBER Alert is the Dane County Public Safety Communications Center (DCPSCC), Dane911@co.Dane.wi.us, (1-608-267-3913).

317.4.3 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Wausau Police Department shall:

- (a) Immediately enter the child into the TIME/NCIC Missing Person database with the AMBER Alert flag. Entry of the alert data into TIME/NCIC will generate an automatic notification to the National Center for Missing and Exploited Children (NCMEC) and the FBI and will expand the search for an abducted child from the local, state or regional level to the national level.
- (b) Complete the following WisDOJ AMBER Alert forms:
 1. Child Abduction Emergency Alert Form - Requires signature of supervising officer on-duty.
 2. Broadcast Script Form - Supervising officer will determine if the alert will be broadcast regionally, multi-regionally or statewide.
- (c) Telephone the DCPSCC to request an AMBER Alert activation.
 1. DCPSCC is responsible for the following:

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- (a) Send a TIME system administrative message to statewide law enforcement agencies.
 - (b) Disseminate faxes and e-mails to law enforcement agencies and the media.
 - (c) Notification to the Wisconsin Department of Transportation to activate/deactivate electronic highway message board signs.
 - (d) Posting AMBER Alert information on the Wisconsin AMBER Alert website, www.amberalertwisconsin.org.
 - (e) Activate the EAS broadcast every 30 minutes for the first two hours and once for the next three hours.
- (d) E-mail, fax or teletype the following WisDOJ AMBER Alert forms to the DCPSCC:
- (a) Child Abduction Emergency Alert Form
 - (b) Broadcast Script Form
 - (c) Victim Form
 - (d) Suspect Form
 - (e) Vehicle Form
- (e) E-mail a photograph of the child, suspect and/or suspect vehicle to the DCPSCC
- (f) Obtain, whenever possible, consent from the parents, parent, guardian or other person having legal custody of the abducted child. Request the consenting person to sign a Child Photo and Name Release Form agreeing to the release of the child's name, photographs, descriptions and other information necessary to support the AMBER Alert public broadcast and search. The inability to obtain verbal or signed consent because the person who is capable of providing consent cannot be located shall not prohibit the activation of an AMBER Alert.
- (g) Request additional resources and services from:
- (a) The FBI
 - (b) The Wisconsin Clearinghouse for Missing and Exploited Children and Adults (WCMECA), www.missingpersons.doj.wi.gov , 800-THE-HOPE (800-843-4673)
 - (a) WCMECA staff and special agents from the Wisconsin Division of Criminal Investigation will be assigned to provide technical, analytical and investigative assistance.
 - (c) The NCMEC, www.missingkids.com , 800-THE-LOST (800-843-5678)
 - (a) Project ALERT - America's Law Enforcement Retiree Team
 - (b) Team Adam - Missing Child Rapid Response System

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- (d) A Child is Missing, www.achildissing.org
- (h) All AMBER Alert Update and Deactivation Forms must be e-mailed, faxed or sent via teletype to the DCPSCC.
- (i) Retain a copy of all AMBER Alert forms, faxes, teletypes, e-mails and pertinent case information for review by the Wisconsin AMBER Alert Review Committee.

317.4.4 MEDIA AND PUBLIC NOTIFICATIONS

The following actions are designed to alert the public and media and will assist with investigation of the abduction:

- (a) The Public Information Officer, Patrol Lieutenant or Investigation supervisor will prepare an initial press release that includes all available information which might aid in locating the child, such as:
 - 1. The child's identity, age and description.
 - 2. Photograph if available.
 - 3. The suspect's identity, age, and description, if known, and photograph if available.
 - 4. Pertinent vehicle description.
 - 5. Details regarding time of abduction, location of incident, direction of travel, potential destinations, if known.
 - 6. Whether there is reason to believe the suspect has a relationship to the victim.
 - 7. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison.
 - 8. A telephone number for the public to call with leads or information.
- (b) Fax or e-mail the press release to the media and local law enforcement agencies.
- (c) Fax or e-mail updates regarding the search and investigation to the previously contacted media and law enforcement agencies.
- (d) Establish the following communication methods for the public and media to contact the Department:
 - (a) A primary 24-hour telephone number for the public to provide tips and information on the missing child. If an 800 number is available, it should be provided to the public.
 - (b) A confidential telephone number for Public Information Officer contact. This number shall be restricted to use by media outlets and other law enforcement agencies to make follow-up contact with the Department for information and updates.
 - (c) A confidential telephone number restricted to use by other law enforcement agencies to contact this department quickly and without restriction with information that could be crucial to the investigation or the safety of the victim.

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(d) An e-mail address and fax number for use in the investigation of the abduction.

317.4.5 EXTENSION OF ALERT

If it is determined that an extension beyond the initial five-hour period is needed, approval must be obtained from WisDOJ Division of Criminal Investigation director who approved the original AMBER Alert activation.

317.4.6 TERMINATION OF ALERT

The Patrol Lieutenant or Detective Bureau supervisor should request that the AMBER Alert system activation be terminated with respect to a particular abducted child if:

- (a) The child is recovered or the abduction is otherwise resolved.
- (b) It is determined that the alert system is no longer an effective tool for locating and recovering the child.

All AMBER Alert cancellations shall be submitted on the AMBER Alert Deactivation Form to the DCPSCC via fax, e-mail or teletype to ensure that all participants are apprised of the cancellation of the alert as soon as possible.

317.4.7 LAW ENFORCEMENT INFORMATION

Current procedures and AMBER Alert forms are located on WisDOJ's Wisconsin Law Enforcement Network (WILENET) <http://wilenet.org> or the Wisconsin TIME system.

317.4.8 PUBLIC INFORMATION

The public may be directed to AMBER Alert Wisconsin at www.amberalertwisconsin.org and www.amberalert.gov for the most updated information regarding an activation of the AMBER Alert system.

The public may register for wireless AMBER Alerts at <https://www.wirelessamberalerts.org>.

317.4.9 ALERT REVIEW

The Wisconsin AMBER Alert Review Committee is responsible for analyzing all Wisconsin AMBER Alert activations for appropriateness, smooth operation of the AMBER Alert System and any other criteria the committee deems necessary.

After activation of the AMBER Alert System, the Bureau Commander or the authorized designee is required to appear at the next scheduled Wisconsin AMBER Alert Review Committee meeting to offer suggestions on improving the system and to aid the Wisconsin AMBER Alert Review Committee in reviewing the alert.

317.5 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is 60 years of age or older and believed to have Alzheimer's Disease, dementia or another permanent cognitive impairment which poses a threat to his/her health and safety (Wis. Stat. § 175.51).

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317.5.1 CRITERIA

A Silver Alert should be issued when:

- (a) A reasonable belief that the missing person's disappearance is due to his/her impaired cognitive condition
- (b) The Silver Alert request is made within 72 hours of the individual's disappearance
- (c) Sufficient information is available to disseminate to the public that could assist in locating the missing person

317.5.2 PROCEDURE

Members shall disseminate reports regarding at-risk missing adults in the Wisconsin Crime Alert Network (Wis. Stat. § 165.785; Wis. Stat. § 175.51).

317.6 HIT-AND-RUN ALERTS

Members investigating a hit-and-run should ensure an alert from the Wisconsin Crime Alert Network is initiated whenever the below criteria is met (Wis. Stat. § 346.67; Wis. Stat. § 346.70).

317.6.1 CRITERIA

The following criteria apply (Wis. Stat. § 175.51):

- (a) A person has been killed due to the accident.
- (b) There is sufficient information available to help locate the suspect or vehicle.
- (c) An alert could help prevent further harm or aid in an arrest.

317.6.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance and information available through government and private resources and to meet all related legal mandates.

318.2 POLICY

The Wausau Police Department is committed to providing guidance and assistance to the victims and witnesses of crime, and to ensuring they are treated with dignity, respect, courtesy and sensitivity, as intended by the State of Wisconsin Victim's Bill of Rights, §950.01, Wis. Stats. The employees of the Wausau Police Department will show compassion and understanding for victims and witnesses and make reasonable efforts to provide the support and information identified in this policy.

318.3 VICTIM/WITNESS SPECIALIST

The Victim/Witness Specialist will serve as the point of contact for individuals requiring further assistance or information from the Wausau Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officer should never guarantee a victim's safety from future harm, but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officer should never guarantee that a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

318.5 VICTIM INFORMATION

Officers shall provide all victims with the applicable victim information brochure. Officers shall ensure that the victim information brochure is delivered to victims as soon as practicable but not later than 24 hours after initial contact with the victim (Wis. Stat. § 950.08(2g)). The victim information brochure shall include the following notices/information:

- a. A list of rights of victims under Wis. Stat. § 950.04(1v).
- b. Information regarding available compensation for qualifying victims of crime, including the address and phone number of the agency that victims may contact for information concerning compensation.

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- c. The address and telephone number of the agencies that the victim may contact (district attorney's office and the Victim-Witness Program) to obtain information concerning the rights of victims and to request notice of court proceedings and the opportunity to confer.
- d. Notice that the victim may contact the Wausau Police Department to obtain information concerning the arrest and/or custody of a suspect in connection with the crime of which he or she is a victim, including the department address and phone number.
- e. The address and telephone number of the custodial agency the victim may contact for information concerning release of a person arrested or taken into custody for the crime of which he or she is a victim.
- f. VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- g. Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.
- h. The address and telephone number at which the victim may contact the Victim-Witness program in order to obtain further information about services available for victims, including medical services.
- i. A place for the officer's name, badge number and any applicable case or incident number.
- j. Contact information for a domestic violence victim services provider, for information regarding filing for a restraining order / injunction.

318.6 WITNESSES

Officer should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officer may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Officer should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Witnesses desiring information about the matter he/she is involved in should be provided the contact information for the Victim-Witness Program for information regarding witness rights and services.

Bias-Motivated Crimes

319.1 PURPOSE AND SCOPE

The Wausau Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.2 DEFINITIONS

Definitions related to this policy include:

Bias-motivated crime - Willfully committing a crime against another because the actual or perceived race, color, religion, national origin or ancestry, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

319.3 CRIMINAL STATUTES

- (a) Wis. Stat. § 943.012 - A person is guilty of a Class I felony when such a person intentionally causes criminal damage to or graffiti on:
1. Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
 2. Any cemetery, mortuary or other facility used for burying or memorializing the dead.
 3. Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, national origin or ancestry or by an institution of any such group.
 4. Any personal property contained in any of the properties in items 1, 2, or 3 above if the personal property has particular significance to any group of persons of a particular race, religion, color, disability, national origin or ancestry.
- (b) Wis. Stat. § 939.645 - Enhances the penalty for offenses where the victim is selected because of the offender's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of the victim.
- (c) 18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law depending on circumstances.

319.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes.

Bias-Motivated Crimes

319.5 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES

Whenever any member of this department receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (g) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney.

319.6 DETECTIVE BUREAU RESPONSIBILITIES

If a case is assigned to the Detective Bureau, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.

319.6.1 STATE BIAS-MOTIVATED CRIME REPORTING

This department shall submit bias-motivated crime information and offenses through Wisconsin's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Wisconsin Office of Justice Assistance (OJA). This department will only report a bias-motivated crime when an investigation reveals sufficient evidence that an offender's actions were motivated, in whole or in part, by his/her bias. This shall be conducted by the Administrative Supervisor or assigned to the Detective Bureau.

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319.6.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

The Administrative Supervisor should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Bureau procedures and in compliance with (28 USC § 534(a)).

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct.

In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisor.

320.2 POLICY

The continued employment or appointment of every member of the Wausau Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DEFINITIONS

Member - Any person employed or appointed by the Wausau Police Department, including full-time or part-time sworn officers, auxiliary officers, non-sworn employees and volunteers.

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

320.4 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

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320.4.2 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

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

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

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

320.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Wisconsin Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

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320.6.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.6.2 ETHICS

- (a) Using or disclosing one's status as a member of the Wausau Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non- department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.6.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.6.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.6.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.6.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Wausau Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.6.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.

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320.6.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on-- or off--duty that brings discredit to this department.

320.6.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

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- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.6.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

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320.6.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

321.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

321.1.1 DEPARTMENT TECHNOLOGY POLICY

All members of the Wausau Police Department will adhere to the City/County Information Technology Commission information technology policy.

Report Preparation

322.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training. The purpose of this policy is to provide guidelines for writing reports on actions taken by officers whether in response to a request for service or for self-initiated actions.

322.2 POLICY

The Wausau Police Department recognizes that one of the most vital tasks that officers perform on a daily basis is collecting information and organizing it into a comprehensive and complete record. It is the policy of the Wausau Police Department to accurately record police actions in a timely manner through the submission of reports that document events and activities taken by officers whether in response to a request for service or for self-initiated acts. All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

322.3 CALL TYPES AND SELF-INITIATED ACTIVITY SUBJECT TO REPORTING

The Department will maintain a computerized record management system (RMS). All calls for service and all self-initiated field activity will receive a unique, sequential incident number in the RMS. This will allow the Department to track the incident and also provide statistical records on the types of service calls received or self-initiated by our agency.

To ensure that all service calls are handled according to guidelines, the following types of service calls, when alleged to have occurred in our jurisdiction, will be recorded in the records management system:

- (a) Citizen reports of crime.
- (b) Criminal and non-criminal cases initiated by law enforcement employees.
- (c) Situations involving arrests, citations or summonses.
- (d) Citizen reports of incidents other than crimes.
- (e) Any time an agency employee is dispatched or assigned.

While each service call or self-initiated activity will result in a CAD entry, any additional report or action taken by officers will be determined by the nature of incident and by combining officer training, experience, department policy and supervisory direction.

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322.4 FORMAT OF FIELD REPORTS

Most requests for police services involving criminal and non-criminal events and actions initiated by an officer result in some type of written record. The type of report or action taken by officers will be determined by combining officer training, experience, department procedure and supervisory direction. The following subsections list the types or formats of reports authorized for use by members of the Department.

322.4.1 COMPUTER AIDED DISPATCH (CAD) OFFICER COMMENT ENTRY

All dispatched service calls and self-initiated events should have some brief, but decipherable comments describing action taken or not taken on the call for future reference. More thorough report documentation may also be needed based upon guidelines outlined in this and other policies.

322.4.2 TRAFFIC WARNINGS

A "Traffic Warning" notice will be used to record information in those instances in which the officer has determined a written warning action is best suited to the traffic violation. TraCS warning forms are the preferred method for warning issuance, however, handwritten warnings may be used when extenuating circumstances exist.

322.4.3 MUNICIPAL CITATIONS

Municipal citations will be used to record ordinance violations that result in enforcement action. TraCS Non-Traffic Citations (NTCs) shall be used to record enforcement of ordinance violations. Handwritten municipal citations may be used when extenuating circumstances exist.

322.4.4 WISCONSIN UNIFORM TRAFFIC CITATION

TraCS Electronic Citations (ELCI) shall be used to record information in those instances in which the officer has determined a citation is best suited for the traffic violation. TraCS ELCIs are the preferred method for citation issuance, however, handwritten Wisconsin Uniform Traffic Citations may be used when extenuating circumstances exist.

322.4.5 CRASH REPORTS

Crash reports shall be documented using a TraCS WisDOT Crash Report (MV4000/DT4000). Crashes that do not meet the threshold for reporting to the Wisconsin Department of Transportation shall be toggled "Non-Reportable."

322.4.6 ANCILLARY REPORTS

Other report forms that may stand alone or in supplement to an Incident Report include, but are not limited to, the following:

- (a) TraCS Alcohol Influence Report
- (b) TraCS Informing the Accused
- (c) TraCS Notice of Intent to Suspend/Revoke
- (d) TraCS Amended Crash Report

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- (e) TraCS Fatal Supplement Report
- (f) TraCS Driver Condition Report
- (g) Vehicle Disposition Report
- (h) Retail Theft Report
- (i) Abandoned Bicycle Report
- (j) Runaway/Missing Person Report
- (k) False Alarm Report
- (l) Statement of Emergency Detention
- (m) Rabies Quarantine Order
- (n) Strangulation Report
- (o) Domestic Violence Victim Questionnaire
- (p) Vehicle Pursuit Form

322.4.7 INCIDENT REPORTS

The Department's RMS Incident Report shall be used for recording those police actions that do not involve the use of a particular form or report listed above.

322.4.8 SUPPLEMENT REPORTS

Supplementary Incident Reports should be completed by officers whether they were at the scene of the initial investigation or are conducting follow-up investigation. Officers need only to document their involvement in an incident when their actions are separate from the assigned officer's and the actions are paramount to the incident and most likely will involve their appearance in future court proceedings. Supplementary reports should be marked as such on the appropriate report form.

322.5 INFORMATION REQUIRED

The Department utilizes a wide array of forms to complement the reporting requirements of incidents and happenings that necessitate written documentation. Officers are to familiarize themselves with the various forms and preparatory guidelines for accurate completion. All reports shall conform to and be completed according to the instructions for the particular report/document. When required to do so under the Department's reporting policy, members of the department shall diligently and accurately collect and document all pertinent information relevant and admissible to the police interest in the matter being reported.

In addition to including all requisite information, all reports must be neat, legible and reasonably free of errors. Members shall not falsify reports or withhold information from reports which may be valuable and necessary to the case. Intentional omissions or deliberate inaccuracies will be considered a serious breach of the reporting member's duty.

In general, reports shall:

- (a) Be organized to tell as much as is required, as accurately as possible, and as concisely as possible.

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- (b) Be so clear the reader cannot possibly misunderstand the information presented.
- (c) Reflect a complete case file up to the point of writing, providing the reader with information needed to make decisions.
- (d) Contain the essential elements of proof required to substantiate the offense.

322.6 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

Unless an exception is made by a supervisor, members should complete the following reports before the end of their shift:

- (a) Custodial arrests.
- (b) Domestic violence cases.
- (c) Emergency detentions.
- (d) Runaway/missing juveniles and missing/endangered adults.
- (e) Child abuse or neglect.
- (f) Death investigations with suspicious circumstances or in which the Medical Examiner has indicated that an autopsy will be completed the next day.
- (g) Any open cases that require immediate follow-up by other shifts or divisions.
- (h) Any report when the availability and exchange of information might be important to other shifts, divisions, division commanders or the Chief of Police.
- (i) Any case in which an active "attempt to locate" teletype has been sent to another agency or agencies.
- (j) Matters of officer safety or concerns for the safety of the community.
- (k) Use of force reports.

322.7 SUPERVISORY REVIEW OF REPORTS

322.7.1 REPORT REVIEW AND APPROVAL

To ensure reporting procedures are being following and that assignments are satisfactorily completed, supervisors shall:

- (a) Monitor and track reports currently open and under investigation by officers under their supervision.
- (b) Ensure the timely completion of reports by personnel under their supervision.
- (c) Approve reports in a timely manner.
- (d) Disseminate reports to appropriate divisions or personnel in a timely manner.

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- (e) Make notification to appropriate divisions or personnel when a report is not yet complete and the exchange of information might be important to that division or personnel.

Before field report approval and dissemination, supervisors shall carefully review and check reports for the following:

- (a) Elements of crimes are detailed
- (b) Criminal procedures are documented
- (c) Accuracy and completeness
- (d) Correctness
- (e) Legibility
- (f) Clarity
- (g) Grammar and spelling
- (h) Proper victim and offense relationships
- (i) Compliance with department procedures

322.7.2 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should communicate with the officer, stating the reasons for rejection. The supervisor may use electronic means to communicate the required correction(s) to the employee. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

322.7.3 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 POLICY

It is the policy of the Wausau Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Patrol Lieutenants and designated Public Information Officers may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

The Chief of Police may designate a member(s) of the supervisory staff to serve as Public Information Officer [PIO]. The [PIO] function will support the department and its employees in matters involving the news media. The [PIO] will be available during normal business hours and be on-call for emergencies and critical incidents. The shift commander shall be responsible for ensuring that the [PIO] is informed of major incidents and all other events that may generate media interest.

323.4 ACCESS

Authorized media representatives shall be provided timely information and access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities or newsworthy occurrences as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) At such scenes, department employees shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
- (c) The PIO, with approval of the scene supervisor, may grant closer access to news employees and their equipment, to the degree that it does not interfere with law enforcement operations.
 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media

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should be coordinated through the Public Information Officer or other designated spokesperson.

- (d) No employee of this department shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter.
- (e) News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her volition.
- (f) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (g) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

323.4.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

323.4.2 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the [PIO].

323.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

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323.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the [PIO], or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) Reasonable efforts will be made to provide news media with timely access to accurate, up to date information about newsworthy occurrences, both at the scene and on a follow up basis.
- (b) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the [PIO].
- (c) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (d) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

323.7 RELEASE OF INFORMATION

The Department may routinely release information to the media with or without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

323.7.1 NEWS RELEASES AND CONFERENCES

News releases shall be written and disseminated to the media and within the department on major incidents and events of community interest or concern. The Chief of Police, [PIO] or a designee shall be responsible for drafting and disseminating news releases. It is recommended that another supervisor review the release prior to dissemination. A copy of all press releases will be sent to the entire department, City Council, Police & Fire Commission and Mayor.

News conferences will be held only in connection with major events of concern to the community.

The Chief of Police will be informed of all news conferences. The Chief of Police, [PIO] or a designee will facilitate the news conference.

323.7.2 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Patrol Lieutenant.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of

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such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Patrol Lieutenant. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

323.7.3 GENERAL RELEASE GUIDELINES

The release of information is subject to restrictions placed by applicable local, state and federal laws. Further, any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons will not be released.

The following information can be released:

- (a) Basic information about a crime or incident.
- (b) Basic information about victims, except as excluded by law.
- (c) Descriptions of suspects, including mugshots.
- (d) Basic description of weapons and vehicles used.
- (e) Basic description of stolen items.
- (f) Basic description of injuries and condition of victims.
- (g) The name, age, address and other basic information about arrestees, and the charges against them unless the release of such information will be in violation of the Drivers Privacy Protection Act (DPPA).
- (h) Information contained in arrest affidavits and other applicable crime/incident reports.

323.7.4 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the [PIO] to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

The following information cannot be released without prior approval of the Chief of Police or a designee:

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- (a) Names, addresses, or any information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the individual is protected by law.
- (b) Names, addresses, and basic information about juvenile arrestees as governed by state law.
- (c) Active criminal investigative information, active criminal intelligence information and surveillance techniques.
- (d) The prior criminal records, driving records or statements as to the character and reputation of a defendant.
- (e) The existence or contents of any purported confession, admission, or statements given by the defendant or his/her refusal or failure to make such a statement.
- (f) Names of informants and information provided by them.
- (g) Supplemental and investigative reports shall not be released until such time as the case is closed or the Detective Captain deems it permissible.
- (h) Grand jury testimony and proceedings.
- (i) Active internal affairs investigations as governed by state law.
- (j) Names of witnesses, unless required by state law.
- (k) The identity of critically injured or deceased persons prior to notification of next of kin.
- (l) Home address, telephone numbers, and family information of law enforcement employees.
- (m) Names of undercover employees.
- (n) Any other information that could jeopardize the successful conclusion of an investigation and prosecution.
- (o) Information contained in a Chapter 51 reports (Emergency Medical Detention and Alcohol Hold).
- (p) Home address and telephone number of department employees.
- (q) Specific cause of death unless officially determined by medical examiner.
- (r) Any information that leads to the identity of an informant.
- (s) Department of Transportation records.
- (t) Any opinion of the defendant's guilt or innocence in any matters relating to the merits of the case.
- (u) Investigative information and information of any evidentiary nature.
- (v) The results of any examinations or tests conducted or refusal by the suspect to submit to any examinations or tests.
- (w) Information received from other law enforcement agencies without their concurrence in releasing that information.
- (x) Personal opinion not founded in fact.
- (y) Any other information prohibited by state law from being publicly disclosed.

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323.7.5 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the [PIO].

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Patrol Lieutenant or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

323.8 ETHICS

It is the policy of this department to treat members of the media in a manner consistent with the department's core values of Professionalism, Integrity, Accountability and Respect. It is expected that the media will respond in a like manner and follow ethical guidelines established by their industry. Employees of the department who believe they were treated unethically should contact the [PIO].

323.9 TRAINING

This department is committed to providing proper training for its [PIO]. Supervisors, line officers and other employees who interact with the media will also be provided access to appropriate training.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Wausau Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Wausau Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

- (a) Notice to the member via e-mail in association with the Department's Court Calendar.
- (b) Personally serving a copy of the subpoena to the member.
- (c) Delivering a copy to the member's usual place of residency.
- (d) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this department as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Wausau Police Department.

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- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Wausau Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

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324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Auxiliary Personnel

325.1 PURPOSE AND SCOPE

It is the policy of the Wausau Police Department that auxiliary personnel may be assigned to provide support services to any law enforcement functions not requiring sworn officer status.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary Personnel - Non-sworn personnel, uniformed or non-uniformed, who support the operational policing mission of the organization, and may include, but not be limited to, Community Service Officers, Emergency Police, police Explorers, Parking Enforcement Officers, Humane Officer, and police volunteers.

325.2 SCOPE OF AUTHORITY

Auxiliary personnel are granted delegated authority, within the scope of law and/or ordinance, to carry out the functions of their designated assignment. Auxiliary personnel do not possess sworn status and therefore do not have the authority of a sworn officer.

325.3 DUTIES OF AUXILIARY PERSONNEL

Auxiliary Personnel may be assigned the following duties within the Wausau Police Department:

- (a) Municipal ordinance and code enforcement.
- (b) Special events.
- (c) Aiding or directing traffic.
- (d) Aiding in control of natural or man-made disasters.
- (e) Aiding in case of civil disorders as directed by the Chief of Police or the authorized designee.
- (f) Aiding in other routine business, office, and community assistance tasks as assigned.

325.4 UNIFORMS

Uniform requirements are as follows:

- (a) Auxiliary personnel shall conform to all uniform regulation and appearance standards set forth by their supervisor.
- (b) Uniforms, if worn, shall clearly distinguish auxiliary personnel from sworn officers.
- (c) No part of the uniform shall be worn/utilized other than during or while en route to/from a department authorized function.
- (d) The misuse or misrepresentation or other misconduct involving uniforms may result in discipline or discharge.

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325.5 TRAINING

Task-specific training is intended to provide the necessary and mandated instruction and practice for auxiliary personnel to properly and safely perform their assigned duties. An auxiliary personnel's training should correspond to his/her assignment as determined by their supervisor.

Officers and other employees of this department, who demonstrate a desire and ability to train auxiliary personnel, may train the auxiliary personnel, subject to supervisor approval. Auxiliary training assignments are not restricted to sworn officers and should be made based upon the training required.

Common training provided to auxiliary personnel may include, but not be limited to, the following:

- (a) Traffic control.
- (b) Crossing guard duty.
- (c) Municipal/code enforcement.
- (d) Operation and safe handling of department property and equipment.
- (e) Department policy and procedure.

325.6 LIABILITY AND INDEMNIFICATION

Auxiliary personnel affiliated with the department and acting in a non-sworn capacity are indemnified when acting under the authority of the department and in accordance with department policy and procedure.

325.7 SELECTION AND APPOINTMENT OF POLICE AUXILIARY PERSONNEL

The Wausau Police Department shall endeavor to recruit and appoint auxiliary personnel who meet the high ethical, moral and professional standards set forth by this department.

325.7.1 HIRING REQUIREMENTS

The following prescribe general requirements for hiring auxiliary personnel:

- (a) There shall be no discrimination based upon race, sex, ethnic origin or other protected status.
- (b) Applicants must be a minimum 18 years old (this requirement would not include police Explorers).
- (c) Applicants must complete an application, pass a background check, and participate in an oral interview process.
- (d) Additional requirements may be imposed based upon job specifications at the discretion of the supervisor.

325.7.2 EMPLOYEES WORKING AS AUXILIARY PERSONNEL

Qualified employees of this department, when authorized, may also serve as auxiliary personnel. However, the Department must not utilize the services of auxiliary personnel in such a way that it would violate employment laws or labor agreements (e.g., a detention officer participating as an

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auxiliary officer for reduced or no pay). Therefore, the supervisor should consult the Department of Human Resources prior to authorizing such an appointment (29 CFR 553.30).

325.8 SUPERVISION OF AUXILIARY PERSONNEL

All auxiliary personnel shall be under the supervision of a supervisor or an officer in charge.

325.8.1 INVESTIGATIONS AND COMPLAINTS

If an auxiliary personnel has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation shall be investigated in compliance with the Personnel Complaints Policy.

Auxiliary personnel, who are of volunteer status, may be removed from their auxiliary position at the discretion of the Chief of Police or his/her designee. Auxiliary personnel shall have no property interest in continued appointment. However, if an auxiliary personnel is removed for alleged misconduct, the auxiliary personnel will be afforded an opportunity solely to clear his/her name through a meeting with the Chief of Police or the authorized designee.

325.9 CARRYING OF WEAPONS

Auxiliary personnel are prohibited from carrying firearms. Generally, auxiliary personnel shall not carry defense devices except with the permission of the Chief of Police or his/her designee.

Should permission to carry a defense device be granted, auxiliary personnel must be trained in the proper use and storage of said device(s).

Mutual Aid and Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the Wausau Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from other agencies are routed to the Patrol Lieutenant or an on-duty supervisor for approval. Any such response to assist an outside agency may be considered for authorization pursuant to law or an established mutual aid plan (Wis. Stat. § 66.0313; Wis. Stat. § 175.46).

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees on behalf of another agency or to another detention facility (Wis. Stat. § 175.40(6)).

When such assistance is rendered, a case number will be issued to report action taken by Wausau Police Department personnel. The case number will be cross-referenced with the outside agency case number.

The Department is a member agency of the North Central Emergency Response Team (NCERT), a law enforcement mutual aid system consisting of agencies located in northcentral Wisconsin, formalized by intergovernmental service agreement. Other member agencies may request assistance from the department per NCERT guidelines:

[See attachment: NCERT Operating Procedures.pdf](#)

326.3.1 OUTSIDE AGENCY LAW ENFORCEMENT AUTHORITY

An officer outside of this jurisdiction may arrest a person or provide aid or assistance anywhere in this state if (Wis. Stat. § 175.40(6)(a)):

- (a) The officer is on duty and on official business.
- (b) The officer is taking action he/she is authorized to take under the same circumstances in this jurisdiction.

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- (c) The officer is responding to:
 - 1. An emergency situation that poses a significant threat to life or bodily harm.
 - 2. Acts that the officer believes, on reasonable grounds, constitute a felony.

326.3.2 COUNTY-WIDE LAW ENFORCEMENT AUTHORITY

Officers may arrest a person anywhere within the local county provided that the officer (Wis. Stat. § 175.40(5)(d)):

- (a) Completes investigations and documentation as otherwise required by this department.
- (b) Makes arrests for crimes, either observed or not observed, and completes documentation as otherwise required by this department.
- (c) Notifies and cooperates with the agency having jurisdiction over the area of such an investigation and arrest.

326.3.3 TRIBAL LAW ENFORCEMENT AGENCY

Employees of this department may not respond to a request for assistance from a tribal law enforcement agency unless the agency is on a pre-approved list maintained by the Patrol Lieutenant. The pre-approved list will be authorized only after meeting the requirements of Wis. Stat. § 66.0313(4).

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services for extraordinary occurrences. Guidelines and resources are set forth in the Emergency Mobilization Plan - Chapter 202. [Wausau PD Policy Manual: 202.3 EMERGENCY MOBILIZATION PROCEDURES](#)

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Administrative Supervisor. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation.

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326.7 REPORTING GUIDELINES

Any on-duty officer who engages in self-initiated law enforcement activities of any type outside the immediate jurisdiction of the Wausau Police Department that are not part of a mutual aid request shall notify his/her supervisor or the Patrol Lieutenant at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Patrol Lieutenant as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Bureau Commander.

Officers shall notify and cooperate with the local law enforcement jurisdiction regarding any on- or off-duty arrests or other law enforcement activity outside the jurisdiction of the Wausau Police Department (Wis. Stat. § 175.40(6)(d); Wis. Stat. § 175.40(6)(m)(a)).

Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Wausau Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

327.2 POLICY

It is the policy of the Wausau Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION AND CONTACT

The Detective Bureau supervisor shall establish a process to reasonably accommodate obtaining fingerprints, a recent photograph and other information that may be required by the Wisconsin Department of Corrections (WisDOC) as well as any face-to-face contact requirements for registrants who are on supervision (Wis. Stat. § 301.45(2)(f)). The process should rebut any allegation on the part of the offender that the process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the face-to-face contact in order to best evaluate any threat the person may pose to the community. Employees assigned to meet with these offenders should receive appropriate training regarding the process.

Upon conclusion of the process, the investigator shall ensure that the information is provided to WisDOC.

The refusal of a registrant to provide any of the required registration information or complete the registration process should initiate a criminal investigation for failure to register.

327.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the WisDOC Sex Offender Registration Program (SORP) informational database.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the WisDOC.

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The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Wausau Police Department personnel, including timely updates regarding new or relocated registrants.

327.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Wisconsin Sex Offender Registry Web site or the Wausau Police Department's website.

The Records Bureau supervisor shall release local registered offender information to residents in accordance with Wis. Stat. § 301.46 and in compliance with a Wisconsin Public Records Law request.

327.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

327.5.2 DISCRETIONARY DISSEMINATION

Notifications that a sex offender is or will be residing, working, or attending school in Wausau Police Department jurisdiction, including a Special Bulletin Notification (SBN) from the WisDOC, should be forwarded to the Detective Bureau supervisor. The Detective Bureau supervisor should:

- (a) Review notifications and disseminate the information within the Department as appropriate.
- (b) Establish a Core Team or represent the Department in a regional Core Team to review and discuss SBNs and make recommendations regarding disseminating information about the offender.
- (c) Ensure SBNs are reviewed by a Core Team.

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- (d) Remain familiar with current recommendations regarding community notification made by the WisDOC, including evaluation criteria and notice levels (Wisconsin Sex Offender Registration and Community Notification - Manual for Law Enforcement).
- (e) Seek advice from legal counsel as needed regarding procedures for community notifications and compliance with public records and open meetings laws.
- (f) Obtain prior approval from the Chief of Police prior to notification to the public in general and the plan for how that notification is to be accomplished (Wis. Stat. § 301.46).
 - 1. The overriding guiding principle in the development of any notification plan to the general public is that such a plan is not intended to subject the offender to additional punishment or harassment. Rather, these plans should seek to provide information to those individuals, agencies and/or organizations that need to know, in the interest of public protection, about the potential risk posed by this offender.

Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

328.2 POLICY

The Wausau Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic crash with fatalities
- Officer-involved shooting, whether on- or off-duty (See the Officer-Involved Shootings and Deaths Policy)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Wausau official
- Arrest of department employee or prominent Wausau official
- Aircraft, train, boat or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

328.4 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant is responsible for making the appropriate notification. The Patrol Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the on-call command notification schedule posted in the Patrol Lieutenant's office.

328.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Bureau if that bureau is providing assistance.

Firearm Injury Reporting

329.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the State of Wisconsin and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

329.2 INVESTIGATION

All bullet wounds, gunshot wounds, powder burns or any other injury or death resulting from the discharge of any firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to Wis. Stat. § 29.341 and Wis. Stat. § 29.345 or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated, but the identity of the reporter shall remain confidential as allowed by law (Wis. Stat. § 255.40).

Employees investigating firearm injuries shall contact a supervisor as soon as reasonably possible to determine if further guidance or additional resources are necessary.

All reports or investigations under this section shall be forwarded by the Records Bureau to the appropriate county or state agency as required.

329.3 HUNTING INJURIES

If a firearm injury is determined to have been caused by an action connected with hunting, fishing or trapping, the Wisconsin Department of Natural Resources (DNR) requests notification on all such firearms related injuries.

The DNR completes the International Hunter Education Association's Annual Report of Hunting and Hunting Related Incidents for compiling nationwide hunting-related statistics and uses the information provided by local agencies for this purpose. The DNR also uses this information to determine whether to investigate or charge a violation of Wis. Stat. § 29.345, failure to report a firearm-related injury sustained in a hunting, fishing or trapping incident.

Death Investigation

330.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to Wis. Stat. Chapter 979.

330.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Medical Examiner, a Deputy Medical Examiner or an appointed Medical Examiner Investigator. A supervisor shall be notified in all death investigations.

330.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all deaths with a law enforcement response.

330.2.2 SEARCHING DEAD BODIES

The Medical Examiner, his/her designee or authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner when practicable.

An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat. § 157.06(12)). If a donor document is located, the Medical Examiner shall be promptly notified. If a donor record of gift or gift refusal is located, and the individual is transported to a hospital, the person responsible for conducting the search shall send the donor record of gift or gift refusal to the hospital.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner. The name and address of this person shall be included in the narrative of the death report.

330.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the local

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Medical Examiner may be requested to make the notification. The Medical Examiner should be advised if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

330.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in an incident report.

330.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the officer shall take steps to protect the scene. The Investigation Bureau shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

330.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Wisconsin Department of Health Services (WDHS) is notified with all pertinent information.

Identity Theft

331.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

331.2 REPORTING

- (a) To maintain uniformity in reporting, officers shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following (Wis. Stat. § 943.201(4)):
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim shall be informed which law enforcement agency may have jurisdiction. The victim should be encouraged to promptly report the identity theft to the appropriate law enforcement agency.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

331.3 VICTIM INFORMATION

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law.

The victim may file an identity theft complaint with the Wisconsin Department of Agriculture, Trade and Consumer Protection, Office of Privacy Protection (OPP) at 800-422-7128, www.privacy.wi.gov, or e-mail at wisconsinprivacy@dacp.state.wi.us.

The victim should be encouraged to contact IC3.gov and/or the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft

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and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or the FBI at <http://www.fbi.gov/milwaukee>.

Arrests of Private Persons

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling the arrest of private persons made pursuant to Wisconsin common law.

332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

332.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.
- (b) For a misdemeanor amounting to a breach of the peace and committed in his/her presence.
- (c) When a merchant or service provider, a merchant's or service provider's adult employee or security agent, has reasonable cause to believe that a person has stolen merchandise or services in his/her presence, he/she may detain the person at the place of business where the offense occurred in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to a parent or guardian in the case of a minor (Wis. Stat. § 943.50(3)).

332.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety (Wis. Stat. § 968.08).
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

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Arrests of Private Persons

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise the appropriate option based upon the charges:
1. Take the individual into physical custody for booking.
 2. Release the individual upon issuance of a misdemeanor and/or ordinance citation.
 3. Release the individual pending the filing of formal charges.

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and provide a statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

333.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Wausau Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

333.2 POLICY

It is the policy of the Wausau Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

333.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

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enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

333.4 TYPES OF LEP ASSISTANCE AVAILABLE

Wausau Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

333.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Wausau Police Department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

333.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

333.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to

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communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

333.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the Interpreting Vendors which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

333.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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333.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

333.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

333.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Wausau Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

333.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

333.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

333.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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333.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.14 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

333.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Communications with Persons with Disabilities

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

334.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified sign language interpreters will be licensed as required (Wis. Stat. § 440.032).

334.2 POLICY

It is the policy of the Wausau Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Wausau Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Patrol Lieutenant and Dispatch Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

334.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Wausau Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

334.6 TYPES OF ASSISTANCE AVAILABLE

Wausau Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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334.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

334.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

334.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

334.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

334.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

334.16 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

School Employee Arrest Reporting

335.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

335.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse, the Chief of Police or the authorized designee should report the arrest as follows:

335.2.1 ARREST OF A PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or the authorized designee may notify by telephone the superintendent of the school district employing the teacher.

335.2.2 ARREST OF A PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or the authorized designee may notify by telephone the superintendent of the school district employing the non-teacher.

335.2.3 ARREST OF A PRIVATE SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or the authorized designee may notify by telephone the private school authority employing the teacher and may give written notice of the arrest to the private school authority employing the teacher.

335.2.4 ARREST OF A PRIVATE SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or the authorized designee may notify by telephone the private school authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.

Chaplains

336.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Wausau Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

336.2 POLICY

The Wausau Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

336.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Having a good reputation in the community.
- (c) Successful completion of an appropriate-level background investigation.
- (d) A minimum of five years of successful counseling experience.
- (e) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

336.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Wausau Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

336.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police.
- (d) Successfully complete an appropriate-level background investigation.

Chaplains are volunteers and serve at the discretion of the Chief of Police.

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Chaplains

336.5 DUTIES AND RESPONSIBILITIES

Chaplains may be requested for services at any time based upon department needs.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Wausau Police Department.

336.5.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

336.5.2 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

336.5.3 ASSISTING THE DEPARTMENT/OFFICE

The responsibilities of a chaplain related to this department may include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Willingness to train others to enhance the effectiveness of the Department.

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Chaplains

336.6 PRIVILEGED COMMUNICATIONS

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Wausau Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

Public Safety Cameras

337.1 PURPOSE AND SCOPE

The City of Wausau operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the City. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

337.2 POLICY

Cameras may be placed in strategic locations throughout the City at the direction or with the approval of the Chief of Police. These cameras can be used for detecting and deterring crime, to safeguard against potential threats to the public, to manage emergency response situations during natural and man-made disasters, and to assist City officials in providing services to the community.

337.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

337.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be available to Law Enforcement for investigative purposes.

The Chief of Police may authorize video feeds from the public safety camera system to be set up at a location other than Dispatch for monitoring by other than police personnel when the provision of such access is in furtherance of this policy.

The cameras only record images and do not record sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. In addition, the public safety camera system may be useful for the following purposes:

- (a) To assist in identifying, apprehending and prosecuting offenders
- (b) To assist in gathering evidence for criminal and civil court actions
- (c) To help emergency services personnel maintain public order
- (d) To monitor pedestrian and vehicle traffic activity
- (e) To help improve the general environment on the public streets
- (f) To assist in providing effective public services

337.3.2 PROHIBITED ACTIVITY

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists. All reasonable efforts will be taken to

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Public Safety Cameras

protect these rights. Video monitoring shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

337.4 MEDIA STORAGE

All media will be stored in a secure area with access restricted to authorized persons.

Recordings not otherwise needed for official reasons shall be retained as required by the organization's records retention schedule. Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

337.5 REVIEW OR RELEASE OF VIDEO IMAGES

The review or the release of video images shall be done only with the authorization of the Chief of Police or the authorized designee and only with a properly completed request. Video images needed for a criminal investigation or other official reason shall be collected and booked in accordance with current department evidence procedures.

337.5.1 PUBLIC AND OTHER AGENCY REQUESTS

Recorded videos are classified as public records (Wis. Stat. § 19.32(2)). Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be submitted to the Chief of Police or their designee.

Child and Dependent Adult Safety

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse Policies.

338.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Wausau Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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Child and Dependent Adult Safety

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with a non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the appropriate Aging and Disability Resource Center, if appropriate.
- (e) Notify the field supervisor or Patrol Lieutenant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

338.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Child and Dependent Adult Safety

338.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)
 5. How, where and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information about the dependent adult:
1. Name
 2. Sex
 3. Age
 4. Whether he/she reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

338.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any children or dependent adults, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Service Animals

339.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Wausau Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

339.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

339.2.1 STATE LAW

Any other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items is a service animal in accordance with Wis. Stat. § 106.52(1)(fm).

339.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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339.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Wausau Police Department affords to all members of the public (Wis. Stat. § 106.52(3)(am)).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. A barking dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability (Wis. Stat. § 106.52(3)(am)(3)).

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Wisconsin Department of Workforce Development's Equal Rights Division.

Volunteers

340.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and non-sworn personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, Emergency Police members, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

Volunteer Coordinator - Department employee designated by the Chief of Police to coordinate and oversee volunteer programs and activities.

340.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a Wausau Police Department volunteer include:

- (a) At least 18 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) A valid driver's license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, including vehicles, utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.
- (g) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.

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- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

340.2 VOLUNTEER MANAGEMENT

340.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions
- (b) Maintaining records for each volunteer
- (c) Tracking and evaluating the contribution of volunteers
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers
- (e) Maintaining a record of volunteer schedules and work hours
- (f) Completion and dissemination as appropriate of all necessary paperwork and information
- (g) Planning periodic recognition events
- (h) Administering discipline when warranted
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

340.2.2 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check; fingerprints shall be obtained from all applicants and processed through the Wisconsin Department of Justice (WisDOJ).
- (b) Employment
- (c) References

340.2.3 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

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Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer
- (b) Department policies
- (c) Training specific to the procedure manual for the volunteer position
- (d) Discrimination and harassment training
- (e) CPR/first-aid/AED
- (f) Citizens Emergency Response Training (CERT)
- (g) Search and rescue techniques
- (h) Scenario-based searching methods
- (i) Evidence recognition and preservation
- (j) Basic traffic direction and control
- (k) Roadway incursion safety
- (l) Self-defense techniques
- (m) Vehicle operations, including specialized vehicles
- (n) Issuance of citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

340.2.4 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests

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(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

340.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

340.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Volunteers who are provided and have access to department computer systems will receive training in data practices and will be required to sign a nondisclosure agreement. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

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340.5 PROPERTY AND EQUIPMENT

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

340.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a meeting with the Chief of Police. The meeting shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

340.7 LIABILITY COVERAGE FOR VOLUNTEER/UNPAID MEMBERS

Liability protection and indemnification may be available, pursuant to City policy, for all trained and active members serving in a volunteer capacity and acting within the scope of their authority. This includes, but is not limited to:

- Reserve/Auxillary officers
- Chaplains
- Cadets
- Explorers
- Volunteers

Native American Graves Protection and Repatriation

341.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

341.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

341.2 POLICY

It is the policy of the Wausau Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

341.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Wisconsin Historical Society or, when appropriate, the Medical Examiner (Wis. Stat. § 157.70; Wis. Stat. § 979.01)
- Tribal land - Responsible Indian tribal official

341.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Off-Duty Law Enforcement Actions

342.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Wausau Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

342.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and an officer's authority is limited by the State of Wisconsin. Officers, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

342.2.1 OFF-DUTY LIMITATIONS

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department may take reasonable law enforcement action to minimize or eliminate a threat if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

- (a) An officer becomes aware of an incident or circumstance that he/she reasonably believes poses a significant threat to life or of bodily harm. Unless the safety of a person requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.
- (b) The officer is taking action that would be authorized by the policies of the Wausau Police Department.

Nothing in this policy prevents an employee from conducting a lawful private person's arrest as long as his/her status with this department is not used or disclosed.

342.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any medication or drugs that would tend to adversely affect the officer's senses or judgment.

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Off-Duty Law Enforcement Actions

342.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers who are authorized by law decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration (Wis. Stat. § 175.40(6m)(a)(3)(a)):

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

342.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed.

342.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

342.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

342.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

342.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally, the employee shall contact the Patrol Lieutenant, who shall determine whether to

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send a supervisor to the scene and whether a report should be completed by the employee (Wis. Stat. § 175.40(6m)(a)(3)(c)).

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

Special Purpose Vehicles or Animals

343.1 PURPOSE AND SCOPE

This policy establishes guidelines for the responsibility and use of special purpose vehicles and animals for the following areas:

- (a) Authorization, conditions and limitations for use in various situations.
- (b) Persons or positions authorized to operate the vehicle and its equipment, or perform canine duties, including required qualifications and training.
- (c) A list of equipment to be kept in or on the vehicle.
- (d) The designation of a person or position responsible for the condition and maintenance of the vehicle and equipment, or care of the animal.

343.2 POLICY

The Department uses/owns vehicles/animals equipped or trained for special situations. Vehicles include: Motorcycles, unmarked vehicles, Emergency Response Vehicle (ERV), bicycles, mopeds, and special purpose animals (such as K9). Employees shall follow all guidelines outlined in this policy.

343.3 MOTORCYCLES

The following establishes guidelines for the responsibility and use of motorcycles:

- (a) Motorcycles may be used for general patrol, parades, or other uses at the discretion of the Chief of Police or his/her designee. A Patrol Lieutenant may authorize their use dependent upon weather conditions and staffing needs.
- (b) Motorcycles may be operated for patrol purposes by only those certified as motor officers. Motorcycles may be utilized for parades or administrative uses by any Department member who is compliant with the terms and conditions of the Department of Administration vehicle authorization guidelines and possesses a valid Wisconsin driver license of the correct classification.
- (c) Motorcycles used for general patrol shall be equipped with emergency lights, siren, and a radio. The following equipment shall be worn during motorcycle use:
 1. Uniform
 2. Equipment belt and related gear
 3. Body armor
 4. Helmet and eye protection
 5. Portable police radio
 6. Dependent upon inclement weather, a supervisor may authorize alternate items.

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- (d) The Administrative Lieutenant and Department of Public Works are responsible for the condition and maintenance of the Department motorcycles; however, officers assigned to the motorcycles shall report problems as they arise.

343.4 UNMARKED VEHICLES

The following establishes guidelines for the responsibility and use of unmarked vehicles:

- (a) Unmarked vehicles are for investigative use, intelligence operations, civilian transport, transport to training, or other uses deemed appropriate by the Department. Generally, uniformed officers should not operate unmarked vehicles unless authorized by a supervisor. A supervisor with the rank of lieutenant or higher may assign or otherwise authorize the use of unmarked vehicles. Non-sworn personnel shall refrain from operating an unmarked vehicle in emergency mode.
- (b) Any employee possessing a valid Wisconsin driver license of the correct classification may be assigned or otherwise authorized to use an unmarked vehicle at the discretion of a supervisor.
- (c) An unmarked vehicle used for investigative or intelligence operations may be equipped with emergency lights, siren, and a radio.
- (d) The Administrative Lieutenant and Department of Public Works are responsible for the condition and maintenance of unmarked vehicles; however, officers assigned to an unmarked vehicle shall report problems as they arise.

343.5 EMERGENCY RESPONSE VEHICLE (ERV)

The following establishes guidelines for the responsibility and use of the Emergency Response Vehicle (ERV):

- (a) The Emergency Response Vehicle (ERV) is intended for use at crime scenes. A supervisor with the rank of lieutenant or higher may assign or otherwise authorize the use of ERV. Non-sworn personnel shall refrain from operating ERV in emergency mode.
- (b) Any employee possessing a valid Wisconsin driver license of the correct classification may be assigned or otherwise authorized to operative ERV at the discretion of a supervisor.
- (c) ERV may be equipped with emergency lights, siren, and radio. It will also be equipped with resources required for the processing, preservation and/or packaging of evidence.
- (d) The Administrative Lieutenant and Department of Public Works are responsible for the condition and maintenance of ERV; however, officers using ERV shall report problems as they arise.

343.6 BICYCLES

The following establishes guidelines for the responsibility and use of bicycles:

- (a) Bicycles may be used for general patrol, special assignment(s), or for code/municipal enforcement. They are often able to provide coverage in areas inaccessible to other vehicles. A supervisor with the rank of lieutenant or higher may assign or otherwise authorize the use of a bicycle.

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- (b) Officers or Community Service Officers (CSOs) who have demonstrated a proficient ability to operate a bicycle may be authorized to use a bicycle. Training on department policy and rules of the road shall be included for those desiring to participate in the Department's Bicycle Patrol Program or for those hired as a CSO.
- (c) Bicycles shall be equipped with lights (front and back) and a gear bag. The following equipment will be worn during bicycle use:
 - 1. Uniform shirt, outer garment if necessary
 - 2. Equipment belt and related gear
 - 3. Helmet
 - 4. Portable police radio
 - 5. Uniform pants or similar shorts
 - 6. Body armor
- (d) The Administrative Lieutenant is responsible for the condition and maintenance of bicycles; however, officers using a bicycle shall report problems as they arise.

343.7 MOPEDS

The following establishes guidelines for the responsibility and use of mopeds:

- (a) Mopeds may be used for general patrol, special assignment(s), or for code/municipal enforcement. A supervisor with the rank of lieutenant or higher may assign or otherwise authorize the use of a moped.
- (b) Any employee possessing a valid Wisconsin driver license of the correct classification may be assigned or otherwise authorized to operate a moped at the discretion of a supervisor. Officers or Community Service Officers (CSOs) who have demonstrated a proficient ability to operate a moped may be authorized to use a moped. Training on department policy and rules of the road shall be included for those desiring to operate a moped or for those hired as a CSO.
- (c) Mopeds shall be equipped with a gear bag. The following will be worn during moped use:
 - 1. Uniform shirt, outer garment if necessary
 - 2. Equipment belt and related gear
 - 3. Helmet
 - 4. Portable police radio
 - 5. Uniform pants or similar shorts
 - 6. Body armor
- (d) The Administrative Lieutenant and Department of Public Works are responsible for the condition and maintenance of mopeds; however, officers using a moped shall report problems as they arise.

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343.8 CANINE VEHICLES

The following establishes guidelines for the responsibility and use of canine vehicles:

- (a) Canine vehicles may be used for general patrol functions or for other uses at the discretion of the Chief of Police or his/her designee.
- (b) Canine vehicles may primarily be used by a trained and certified canine officer to whom it is assigned.
- (c) The canine vehicles shall be equipped with lights, a siren, a heat sensor, remote door release, and a cage for the canine.
- (d) The Administrative Lieutenant and Department of Public Works are responsible for the condition and maintenance of canine vehicles; however, officers using a canine vehicle shall report problems as they arise. Furthermore, canine officers are responsible for the cleanliness and care of equipment at all times and must report when an item becomes unserviceable for any reason. Additional information on canine responsibilities can be found in Policy 309 - Canines.

Cash Handling, Security and Management

344.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

344.2 POLICY

It is the policy of the Wausau Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

344.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

344.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

344.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

344.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

344.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling duties shall, as soon as reasonably practicable, verify the amount, summon another member to verify their accounting, and process the cash as safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Department Use of Social Media

345.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

345.2 POLICY

The Wausau Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

345.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

345.4 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

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- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Wausau Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

345.4.1 PUBLIC POSTING

Department social media sites may be designed and maintained to prevent posting of content by the public. When posting of content by the public is permitted, applicable social media sites should be monitored and actions taken to remove prohibited content.

The Department may provide a method for members of the public to contact department members directly.

345.5 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

345.6 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

SWAT Team

346.1 PURPOSE

This policy establishes procedures for SWAT [Special Weapons and Tactics] Team deployment, coordination and cooperation, and criteria for assignment to SWAT Team.

346.2 POLICY

In cooperation with the Marathon County Sheriff's Office (MNSO), a limited number of Wausau Police Department members are assigned to serve on the SWAT Team maintained and commanded by MNSO. The department shall supply its assigned SWAT members the special equipment that MNSO approves and specifies for all members of the SWAT Team. The SWAT Team is generally available for deployment as mutual aid for tactical events and extraordinary occurrences as requested by the department.

346.3 PROCEDURES

A. Request for SWAT Team: The shift supervisor may request SWAT Team deployment for tactical events/situations and extraordinary occurrences, and will communicate the request to dispatch, which will forward the request to SWAT command. SWAT request/deployment is anticipated for extraordinary occurrences, as set forth in the Emergency Mobilization Plan – Chapter 202.

B. SWAT Team Deployment: In coordination with the requesting department supervisor, SWAT command will determine if SWAT will respond and to what extent, and will facilitate call-back of appropriate SWAT personnel. The SWAT unit consists of a Commander, SWAT operators, and a sniper/observer contingent.

C. SWAT Team coordination and cooperation: Department personnel otherwise responding/involved in the event are responsible for establishing an inner perimeter and intelligence gathering. The scene/event supervisor will ensure perimeter security and establish a command post or staging area at a location selected in cooperation with SWAT command. The supervisor shall facilitate relay of scene/event intelligence to SWAT command. Upon arrival, SWAT command/team leader has command of the scene/scope of the area targeted for SWAT operations for the duration of SWAT operations, to include directing use of on-scene department personnel and resources.

The MNSO's SWAT Team policy is available here:

[MNSO SWAT Team Policy.pdf](#)

346.4 SWAT ASSIGNMENT SELECTION

In order to be eligible for the SWAT Team selection process conducted by MNSO, department members must first meet the following qualifications as required by this department:

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1. Applicant must be a patrol officer and have a minimum of two years of service with the department.
2. Applicant must be willing to make a commitment to the Team for five years.
3. Applicant should be in good physical condition with strong firearm skills.
4. Applicant must be willing to provide a cellular phone contact number and be available at all times of the day/night.
5. Applicant must possess strong communication skills.

Further, the department command staff will conduct an internal review of candidates that meet/agree to the above qualifications. Based upon the internal review, candidates will either be approved or denied from participation in the MNSO selection process/try-outs. The department's internal review will include:

1. Productivity
2. Performance reviews
3. Sick-leave abuse assessment
4. Performance Potential Evaluation to include:
 - a. Attitude
 - b. Teamwork
 - c. Loyalty
 - d. Dependability
 - e. Cooperation
 - f. Initiative

Approved members may then participate in the MNSO SWAT Team selection process, which may include a physical fitness test, firearms skill assessment, and interview. MNSO SWAT command retains authority in regard to final selection of department members for assignment to the SWAT Team.

346.5 SWAT ASSIGNMENT

Members assigned to the SWAT Team shall be subject to policies/procedures set forth in MNSO's SWAT Team policy. Once assigned to the SWAT Team, duration of assignment is not guaranteed, and may be revoked at any time by the Chief of Police, for reasons including, but not limited to, unsatisfactory performance of department duties and responsibilities, and department budgeting. Assignment may also be revoked unilaterally by MNSO.

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346.6 SWAT TRAINING

Members assigned to the SWAT Team shall complete and maintain all training requirements of the MNSO SWAT Team (see MNSO SWAT Team Policy attached above), which includes monthly training exercises as allowed by duty schedules, and in effort to meet guidelines of the National Tactical Officers Association. Training attendance outside a member's scheduled duty hours shall be coordinated via the member's department supervisor, who may authorize adjustment of duty schedule to accomodate training.

Dive Team

347.1 PURPOSE

This policy establishes procedures for Dive Team deployment request and criteria for assignment to Dive Team.

347.2 POLICY

In cooperation with the Marathon County Sheriff's Office (MNSO), a limited number of Wausau Police Department members are assigned to serve on the Dive Team maintained and commanded by MNSO. The department shall supply its assigned Dive Team members the special equipment (e.g. SCUBA gear) that MNSO approves and specifies for the assigned members. The department shall provide for the necessary training and certifications for its assigned members. The Dive Team is generally available for deployment as mutual aid for water search and rescue and extraordinary occurrences as requested by the department. It is understood that the Dive Team and its WPD members, under MNSO direction, may be deployed for MNSO jurisdiction events and/or mutual aid requests from other agencies.

347.3 PROCEDURES

The shift supervisor may request Dive Team deployment for water search/rescue needs within the city, and will communicate the request to dispatch, which will forward the request to the Dive Team coordinator at MNSO. Dive Team response is subject to determination of the Team coordinator, who will facilitate call-back of appropriate Dive Team personnel. In the event of the Team's deployment, the requesting supervisor should coordinate with Team's coordinator as to parameters of the search/rescue effort, and what department personnel and/or resources are available/needed to support the Dive Team's efforts.

The Dive Team's resources includes water-craft, underwater searching tools, and personnel with SCUBA equipment, who are trained in water area search and rescue/recovery methods.

347.4 DIVE TEAM ASSIGNMENT SELECTION

In order to be eligible for the Dive Team selection process conducted by MNSO, department members must first meet the following qualifications as required by this department:

1. Applicant must be a patrol officer and have a minimum of two years of service with the department. The two year requirement may be waived if the member has previous dive experience.
2. Applicant must be willing to make a commitment to the team for five years.
3. Applicant must have average to above-average swimming skills.
4. Applicant must have good physical fitness and be able to perform strenuous physical tasks in the marine environment.

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5. Applicant must have no medical conditions that would jeopardize his/her health in SCUBA diving, and must be medically cleared to SCUBA dive.
6. Applicant cannot be claustrophobic.
7. Applicant must be willing to provide a cellular phone contact number and be available at all times of the day/night.

Further, the department command staff will conduct an internal review of candidates that meet/agree to the above qualifications. Based upon the internal review, candidates will either be approved or denied from participating in the MNSO selection process/try-outs. The department's internal review will include:

1. Productivity
2. Performance reviews
3. Sick-leave abuse assessment
4. Performance Potential Evaluation to include:
 - a. Attitude
 - b. Teamwork
 - c. Loyalty
 - d. Dependability
 - e. Cooperation
 - f. Initiative

Approved members may then participate in the MNSO Dive Team selection process, which may include a physical fitness test, swimming skill assessment, and interview. MNSO Dive Team command retains authority in regard to final selection of department members for assignment to the Dive Team.

347.5 DIVE TEAM TRAINING

Dive Team members shall complete training as required by the MNSO Dive Team Commander.

New team members shall successfully achieve and maintain PADI certification as Open Water Diver and Advance Open Water Diver. Additional certifications in diving/search/rescue specialties may be sought or required as approved by the Team Commander. The Dive Team conducts team training monthly (8 hours training days), and team members shall attend a minimum number of training days annually, as set by the Team Commander.

Trespass to Dwelling

348.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for members of the Wausau Police Department regarding the investigation of complaints alleging a violation of trespass to dwelling.

348.2 DEFINITIONS

Criminal Trespass to Dwelling (Wis. Stat. § 943.14) - Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

Dwelling Unit (Wis. Stat. § 943.13(1e)(ar)) - A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

348.3 POLICY

Pursuant to Wis. Stat. § 175.403(2), it shall be the policy of the Wausau Police Department that when an officer has probable cause to arrest a subject for a violation of Wis. Stat. § 943.14, the officer shall, at a minimum, remove the subject from the dwelling.

In most instances, an arrest should be made if probable cause exists, which may include a criminal referral or physical arrest.

348.4 PROCEDURES

When investigating violations of Wis. Stat. § 943.14, officers shall:

- (a) Thoroughly investigate all cases of alleged criminal trespass to dwelling.
- (b) When applicable, remove the subject from the dwelling when probable cause exists to arrest the subject for violation of Wis. Stat. § 943.14. The subject may be subject to a criminal referral or physical arrest based upon the totality of circumstances.
- (c) Document the removal and/or arrest of the subject. Simple removal of the subject, void of a referral or arrest, shall be documented in the form of CAD comments. For criminal referrals and physical arrests, an incident report shall be generated.

Warrant Service

349.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

349.2 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation and would pose a significant threat to officers' safety.

349.3 POLICY

It is the policy of the Wausau Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants. It is also the policy of the Wausau Police Department to properly plan and carry out service of search and arrest warrants, including participation in regional deconfliction, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and prevent duplicating efforts.

349.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed.

349.5 ARREST WARRANTS

The officer in charge of preparing the affidavit and search warrant should complete the risk assessment form (AKA the Warrant Service Matrix), an operations plan, and submit them to the appropriate supervisor for review and classification of risk.

If the warrant is classified as high risk, service will be coordinated by the appropriate supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

Warrant Service

349.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for a warrant based on testimony (Wis. Stat. § 968.12), nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

349.7 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of the investigation and operations information have been discussed with relevant outside agencies. This should occur as early in the process as practicable. The officer should also advise relevant outside agencies of updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

349.8 RISK ASSESSMENT

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349.8.1 RISK ASSESSMENT FORM (AKA WARRANT SERVICE MATRIX) PREPARATION

The officer who is the operations lead shall complete a risk assessment form (AKA the Warrant Service Matrix) prior to the execution of a search warrant.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of the investigation, others who may be present and the involved location.

The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

349.8.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form (AKA the Warrant Service Matrix) and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to the appropriate supervisor.

The supervisor shall determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

349.9 OPERATIONS PLAN

The officer who is the operations lead should ensure that a written operations plan is developed for all warrant operations except for those locations or property that have already been secured by officers.

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The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history).
 - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids.
 - 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
 - 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children.
 - 5. Vehicles associated with the location or subject of investigation.
- (c) Information from the risk assessment form (AKA the Warrant Service Matrix) by attaching a completed copy to the operations plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers and marked law enforcement vehicles should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and location have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.

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- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, photographing, reviewing and approving reports.

349.10 RISK ASSESSMENT AND OPERATIONS PLAN RETENTION

Since the risk assessment form (AKA the Warrant Service Matrix) and operations plan contain intelligence information and descriptions of law enforcement tactics, they shall not be filed with the report. Rather, they shall be stored separately and retained in accordance with the established records retention schedule.

349.11 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any warrant operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Unless an emergency exists, anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval or upon the request of an officer at the scene.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan.
- (c) Use of force options and limitations, knock and announces rules and items to be seized should be identified at the briefing.
- (d) The appropriate supervisor shall ensure that all participants are visually identifiable as law enforcement officers and are wearing body armor.
 - 1. Exceptions may be made by the appropriate supervisor for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (e) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the officer who is the operations lead to ensure that Dispatch is notified of the time and location of the operation prior to officers arriving at the location.
 - 2. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

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349.12 WARRANT SERVICE

The appropriate supervisor shall coordinate the service of warrants and shall have authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (c) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (f) A copy of the search warrant is left at the location.
- (g) The condition of the property is documented with video recording or photographs after the search.

349.13 HIGH-RISK OPERATIONS

If an operation is classified by the appropriate supervisor as high-risk, the supervisor shall consult with the SWAT Commander or the authorized designee. The SWAT Commander or the authorized designee shall coordinate the service of warrants that are categorized as high-risk and shall have authority in determining the manner in which the warrant will be served, including the number of officers deployed.

Once the residence and occupants are secured by SWAT, the scene will be released to the control of the Wausau Police Department.

349.14 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service (Wis. Stat. § 968.16), including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

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As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

349.15 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the court clerk identified on the warrant as soon as reasonably possible but no later than 48 hours after execution of the warrant, excluding holidays and weekends (Wis. Stat. § 968.17).

349.16 OPERATIONS DEBRIEFING

Warrant operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

349.17 MEDIA ACCESS

No advance information regarding planned operations shall be released without approval of the Chief of Police or the authorized designee. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

349.18 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The appropriate supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following (see the Outside Agency Assistance Policy):

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the appropriate supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the Wausau Police Department are utilized appropriately. Any concerns regarding the requested use of Wausau Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

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If officers intend to serve a warrant outside Wausau Police Department jurisdiction, the appropriate supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Wausau Police Department when assisting outside agencies or serving a warrant outside Wausau Police Department jurisdiction.

Prescription Drug Monitoring Program

350.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for maintaining compliance with Wis. Stat. § 961.37 relating to the duty of law enforcement officers to report to the Prescription Drug Monitoring Program (PDMP) controlled substance violations, opioid-related drug overdoses or deaths, and reports of stolen prescription drugs.

350.2 DEFINITIONS

Controlled Substance - A drug, substance or immediate precursor included in schedules I to V.

Monitored Prescription Drug - A substance identified in Wis. Stat. § 961.16 (Schedule II), 961.18 (Schedule III), 961.20 (Schedule IV), or 961.22 (Schedule V) or a drug identified by the board by rule as having a substantial potential for abuse.

Narcotic Drug - An opioid-related substance identified in Wis. Stat. § 961.14 (Schedule I) or 961.16 (Schedule II).

Opioid-related Drug Overdose - A condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

350.3 POLICY

It is the policy of the Wausau Police Department that officers shall report to the Prescription Drug Monitoring Program (PDMP) controlled substance violations, opioid-related drug overdoses or deaths, and reports of stolen prescription drugs in accordance with Wis. Stat. § 961.37.

350.4 MANDATORY REPORTING

Officers shall submit a report to the PDMP whenever he/she, while acting in an official capacity, does any of the following:

- (a) Encounters a situation in which the officer reasonably suspects that a violation involving a monitored prescription drug, as defined in Wis. Stat. § 961.385(1)(ag), is occurring or has occurred.
- (b) Encounters an individual who the officer believes is undergoing or has immediately prior experienced an opioid-related drug overdose, as defined in Wis. Stat. § 256.40(1)(d), or a deceased individual who the officer believes died as a result of using a narcotic drug.
- (c) Receives a report of a stolen controlled substance prescription.

350.5 REPORTING PROCEDURE

When conditions requiring mandatory reporting to the PDMP exist, members shall submit a report electronically through the WI ePDMP website: [website here](#).

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When submitting a report through the WI ePDMP website, members shall note the submission in a report narrative.

350.6 DELAYED REPORTING

If an officer, after consulting with their supervisor, determines that submitting any information in accordance with this policy would interfere with an active criminal investigation, the officer may postpone the action until the investigation concludes. With that said, an officer should consider that reports submitted to the PDMP are not subject to open records requests (Wis. Stat. §961.385(4)).

Wisconsin Crime Alert Network

351.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of the Wisconsin Crime Alert Network (WCAN).

351.2 DEFINITIONS

Wisconsin Crime Alert Network - A statewide program that allows law enforcement agencies to send out crime alert bulletins rapidly, to the business community and to the general public, whenever a crime or suspect may affect citizens or their businesses.

Adult at Risk - An adult who has a developmental disability, who suffers from Alzheimer's disease or dementia, or who suffers from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the adult incapable of getting to a familiar location without assistance.

351.3 POLICY

The Wausau Police Department will utilize the integrated crime alert network, otherwise known as the Wisconsin Crime Alert Network (WCAN), in compliance with Wis. Stat. § 175.51 and to assist in preventing crime, finding stolen property, locating missing persons, identifying suspects, and locating fugitives.

351.4 AUTHORIZED USERS

The Wisconsin Crime Alert Network (WCAN) is administered and maintained by the Wisconsin Department of Justice - Division of Criminal Investigation. All users of WCAN shall complete the requisite training and be an authorized user.

Disseminating reports through WCAN shall be restricted to supervisors. The supervisor shall be an authorized WCAN user. Reports shall be disseminated in accordance with state law and guidelines established by the Department of Justice.

351.5 MANDATORY REPORTING

An authorized WCAN user shall disseminate a report through the integrated crime alert network any time:

- (a) The agency receives a report of a missing adult at risk.
- (b) The agency receives a report of a violation of Wis. Stat. § 346.67 or 346.70(1) and the agency determines that all of the following conditions are met:
 1. A person has been killed due to the accident that is related to the violation;
 2. The agency has additional information that could help identify the person who has allegedly committed the violation or the vehicle involved in the violation; and
 3. An alert could help avert further harm or aid in apprehending the person who allegedly committed the violation.

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351.6 NON-MANDATORY REPORTING

In addition to conditions requiring mandatory reporting through WCAN, an authorized WCAN user may also disseminate a report through the integrated crime alert network to:

- (a) Prevent a crime
- (b) Help solve a crime
- (c) Help locate a missing and endangered person
- (d) Help identify or apprehend a criminal
- (e) Help recover stolen property

Use of WCAN is restricted to alerts about crimes, criminals, or missing and endangered persons. The Wisconsin Department of Justice - Division of Criminal Investigation must authorize any other type of alert to be disseminated. The Network is not to be used for administrative purposes.

351.7 ACCESSING WCAN

WCAN is a web-based reporting program and may be accessed by authorized users at the following web address: www.wisconsincrimealert.gov/

Fiscal Management

352.1 PURPOSE & SCOPE

The purpose of this policy is to establish authority and management for fiscal management of the department, to include administration, budgeting, purchasing, accounting, and procedures for the inventory and control of agency-owned property.

352.2 FISCAL MANAGEMENT RESPONSIBILITIES

Fiscal management responsibilities are as follows:

- (a) The Chief of Police has overall authority and responsibility for the fiscal management of the department, which includes, but is not limited to, inventory control over agency property, equipment, and other assets.
- (b) The Administrative Supervisor shall be responsible for coordinating the fiscal management function on behalf of the Chief of Police.
- (c) The Administrative Supervisor shall be responsible for preparing the police department budget on an annual basis and submitting the budget to the Chief.

352.3 BUDGET

The City of Wausau prescribes the manner in which budgets are prepared and administered by all city departments. A standard manner of preparation and administration provides uniformity and clarity in the budget procedures.

The fiscal activities of the department are controlled through the administration of eleven separate operating budgets. The eleven operating budgets of the department are as follows:

- (a) Police Administration
- (b) Police Investigations
- (c) Traffic and Crossing Guards
- (d) Community Policing
- (e) Community Resource Officers
- (f) Police Records
- (g) Police Patrol
- (h) Police Shooting Range
- (i) Emergency Police
- (j) Safety Building
- (k) Animal Control

Operating budgets are broken down into accounts dealing with personnel services, contractual services, supplies and expenses, fixed charges, and capital outlay.

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In addition to operating budgets, the department also maintains a revenue account budget which records all income associated with public charges for services, inter-government charges for services, and miscellaneous revenue.

Personnel services and related expenses, contractual services, fixed charges, and revenue sources for the coming year shall be drafted by the Administrative Supervisor. The Administrative Supervisor shall work with the Human Resources and Finance Departments to determine upcoming expenses as needed.

Each budget shall be accompanied by a detailed justification for all items requested.

Upon approval by the Chief, the Administrative Supervisor shall prepare and submit, in the manner prescribed by Finance directives, all budget funding requests for the coming year to the Finance Department for their review and analysis.

352.4 PURCHASING

The following establishes standardized procedures for the requisition and purchase of equipment, supplies, and services:

- (a) Acquisitions will be made as outlined and provided for in the adopted City budget, and as permitted under applicable state and local regulations. Refer to the City's Procurement policy.
- (b) The purchasing process is open equally to all qualified vendors.
- (c) Purchases should conform with their organizational component and account.
- (d) Prior to purchasing budgeted capital outlay items, the funding should be verified through communication with the Administrative Supervisor.
- (e) Requests for supplies or services that are required for the daily operation of the department are to be approved by supervisors upon confirmation that funds are available for such purchase or service in that account. Payment is then coordinated through the Administrative Supervisor.
- (f) Purchase orders are required for all purchases of goods and services in excess of \$5,000 unless such payment is authorized by a written contract or agreement. Purchase orders shall be obtained through the Administrative Supervisor. Requirements for the purchase order are as follows:
 1. Vendor name and address.
 2. Quantity and product description.
 3. Unit price and total cost (include shipping).
 4. The account in which the expenditure is budgeted (e.g., capital outlay - patrol).
- (g) Whenever an item is charged to the department, or paid for by a member expecting reimbursement, the charge slip, invoice, or receipt must be forwarded, as soon as possible, to the Administrative Supervisor. In the absence of a receipt, the member shall account for the purchase in printed form to the Administrative Supervisor.

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- (h) Gas/fuel purchases charged with a department credit card, or paid for by a member requesting reimbursement, must be forwarded to the Administrative Supervisor as soon as possible. The following are required, the charge slip or receipt, name of the vendor, number of gallons purchased, price per gallon, vehicle/squad number, and mileage at the time of fueling.
- (i) The purchasing guidelines may be waived in emergency situations with supervisor authorization. In such a situation, full documentation of the expenses and reasons for the action shall be forwarded to the Chief or Captains as soon as possible after the event.

352.5 TAX EXEMPTION

The City is exempt from paying both federal and state taxes on items purchased for department use; including lodging and air travel. There are occasions when the department has to pay a room tax or taxes when traveling out-of-state. Members should inquire about the tax exempt status when purchases are made.

A Government Sales and Use Tax Exemption Certificate issued and authorized by the Finance Department may be used when department purchases are made. The City of Wausau also has two tax exempt numbers as follows:

- (a) Federal tax exempt # 39-73-0487 - K
- (b) State tax exempt # ES23704

The tax exempt certificates may be obtained from the Administrative Supervisor.

352.6 ACCOUNTING

The Chief of Police, or the Acting Chief, shall review and approve all accounts payable through a manner prescribed by the Finance Department.

The Records Bureau Administrative Supervisor has the primary responsibility for managing the financial ledgers of the department to include the following:

- (a) Reviewing all expenditure requests to ensure their consistency with budget authorizations.
- (b) Timely processing all invoices for payment as prescribed by Finance Department policies and procedures.
- (c) Monitoring monthly expenditures, encumbrances, and fund balances.
- (d) Rectifying all budgetary discrepancies.
- (e) Maintenance of records, receipts, documentation, and invoice requirements for all expenditures and revenues.
- (f) Informing the Chief of any budgetary discrepancies or inconsistencies involving expenditures, encumbrances, and fund balances.

The fiscal activities of the department shall be audited on an annual basis during the course of the annual audit of all City fiscal activities. All fiscal activities shall be monitored and are subject to periodic audits at the discretion of the Chief.

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352.7 CASH FUNDS OR ACCOUNTS

The following governs financial records and documentation for cash transactions or accounts involving agency personnel who receive, disburse, or maintain cash:

(a) Records Bureau

1. The Records Bureau maintains a cash drawer of \$200. The cash drawer is used for completing cash or check transactions involving but not limited to photocopies and fingerprinting.
2. The financial accounting system, which includes starting and ending balances and transactions, to include credits, debits, and adjustments, will be balanced daily with the cash drawer. All money received during the day shall be forwarded to the City's Finance Department in a locked money bag along with the daily financial report.
3. The Administrative Supervisor and employees of the Records Bureau are the authorized persons for disbursing or accepting cash from the Records Bureau.
4. Documentation, in the form of receipts, shall be made for cash received.

(b) School Safety Patrol

1. The Wausau Schools Safety Patrols Inc. program maintains a cash account in a local financial institution that is earmarked for various safety patrol programs such as the Washington D.C. and Wisconsin Dells trips, Safety Patrol Recognition program and miscellaneous patrol supplies.
2. Money earmarked for the patrol program is received from private donations.
3. Donations are sent directly to the local financial institution. Check-writing is used for expenditures.
4. The Wausau School Safety Patrol Inc.'s treasurer is responsible for coordinating the financial efforts of the School Safety Patrol program.
5. An annual audit of the program's finances are conducted by a private accounting firm.
6. A balance sheet/ledger shall be used to identify starting and ending balances and transactions, to include credits, debits, and adjustments.
7. Documentation, in the form of receipts, shall be made for cash received.

(c) Patrol Investigative Fund

1. A separate Patrol Investigative Fund is maintained in a file cabinet in the Lieutenants Office. This fund is used for alcohol compliance checks and for small supplies needed outside normal business hours when the credit cards are unavailable.
2. A Patrol Investigative Fund cash disbursement worksheet is completed for all cash credits, debits, and adjustments.
3. The Patrol Investigative Fund worksheet will be signed by the approving Patrol Lieutenant and turned into the Administrative Supervisor to replenish the fund.
4. The Patrol Investigative Fund will be reconciled no less than twice a year.

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5. Patrol Lieutenants or supervisors of equal or greater rank are the authorized persons responsible for disbursing or accepting cash from the Patrol Investigative Fund.

(d) CRO Investigative Fund

1. A separate CRO Investigative Fund is maintained in a locked safe in the CRO Lieutenant's Office. This fund is used for investigative expenditures associated with drug, prostitution, and other investigations.
2. A Wausau PD Buy Money Fund expenditure worksheet is completed for all cash credits, debits, and adjustments.
3. The CRO Lieutenant signs the Wausau PD Buy Money Fund expenditure worksheet approving the expense and then enters the transaction in the CRO Investigative Fund Reconciliation summary form.
4. The CRO Investigative Fund is reconciled no less than twice a year.
5. The CRO Lieutenant is the authorized person responsible for disbursing or accepting cash from the CRO Investigative Fund.

(e) Special Revenue Accounts

1. Special Revenue Accounts are funds received by the department from a number of outside sources that are used in a pre-determined manner for special interests.
Some examples of Special Revenue accounts are DARE (Educational program), K-9, Explorer Post & Emergency Police.
 - (a) Some funds are received from private donations or the court system as part of a fine/forfeiture penalty.
2. Special Revenue Accounts shall be managed by the Administrative Supervisor and any credits, debits, or adjustments shall be documented. The Finance Department receives all monies that are received for Special Revenue Accounts.
3. The Administrative Supervisor is the authorized person for disbursing or accepting cash from the Special Revenue Account.
4. Documentation, in the form of receipts, shall be made for cash received.

(f) Grant Money

1. The department, with approval from the Mayor and Finance Director, may become the recipient of federal or state grant money. Grant money is used for specific operations performed by the department. The Finance Department or Administrative Supervisor coordinates the financial transactions of grant funding and are the authorized persons for disbursing or accepting cash from this account.
2. Any credits, debits, or adjustments shall be documented by the Finance Department and/or the Administrative Supervisor.
3. Documentation, in the form of receipts, shall be made for cash received.

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(g) Forfeiture Funds

1. State and federal laws allow the department to receive asset and cash forfeitures regarding individuals or businesses that have been convicted of various crimes. The forfeiture funds are managed by the Administrative Supervisor through the Finance Department and must be used in a manner described by either the federal or state government. The Administrative Supervisor is responsible for timely preparation and submittal of all required documents related to forfeiture funds.

(h) Quarterly Accounting Summary

1. A quarterly accounting summary of all agency cash activities shall be performed and submitted to the Administrative Supervisor. This does not apply to forfeiture funds.

352.8 TRAVEL EXPENSES

The following governs travel expenses:

- (a) With certain exceptions, all expenses require a receipt in order to be eligible for reimbursement. Only standard meal allowances, taxis, and mileage will be reimbursed without a receipt.
- (b) A City of Wausau "Travel Expense Statement" form should be submitted to the Administrative Supervisor within five (5) days of the completion of any training/travel funded by the department.
- (c) Advance travel expenses will be processed through the Finance Department. No advance will be provided for anticipated travel costs less than \$50. Expenditures under \$50 will be handled on a reimbursement basis.
- (d) Travel plans and arrangements should be initiated well in advance of the scheduled travel time. Members are to coordinate their travel plans through their Commanding Officer and the Administrative Supervisor. A training request, along with registration and conference itinerary, should be approved prior to making such arrangements.
- (e) Members shall pay the costs associated with personal phone calls when traveling on department business.
- (f) Meals
 1. The per diem rate for meals (no receipts required) are as follows:
 - (a) Standard Rate
 1. Breakfast: \$8.00
 2. Lunch: \$10.00
 3. Dinner: \$14.00
 - (b) IRS Defined High Cost City Rate

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1. Breakfast: \$10.00
2. Lunch: \$12.00
3. Dinner: \$18.00

(a) The Finance Department maintains the list of IRS defined high cost city rates.

2. The City has a standard day travel meal allowance that is based on the employee working 8:00 am — 5:00 pm. The allotted meal allowance is based on the following conditions:
 - (a) Morning meal allowance — Employee is required to leave work prior to 6:00 am.
 - (b) Mid-day meal allowance — Employee is required to leave work area prior to 10:30 am or return after 1:30 pm.
 - (c) Evening meal allowance — Employee is required to leave work area prior to 4:00 pm and return after 7:00 pm.
3. The department may modify the guidelines outlined in paragraph 2 above, when allocating day travel meal allowances for members who have a different daily work schedule. Members should check with a supervisor to determine approved meal allowances under this paragraph.
4. The City will not pay for meals within a 15 mile radius of Wausau, unless the meals are part of a business meeting. Tips are included in the meal allowance rates.
5. Members attending training, conferences, or other department business that involves overnight stays may be eligible for meal allowances during the travel times prior to and after the business dates. Prior approval of meal allowances should be obtained for overnight travel.
6. Members will not be eligible for meal allowances when the training or conference site provides meals (e.g., banquet meal or luncheons included in the registration fee).

(g) Lodging

1. Members shall secure lodging in reasonable accommodations. The department may require a sharing of rooms by members of the same sex.
 - (a) The department will not pay for additional lodging costs accrued by members having a spouse or guest accompany them during a training school or conference.
2. Lodging receipts are required.
3. Generally, when a conference or training site is held in a hotel or similar facility, members may be registered at that location.
4. Absent exceptional circumstances, no overnight lodging will be authorized for any event that is within 35 road miles of Wausau.

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(h) Transportation

1. The department will make every effort to provide a city-owned or leased vehicle to members traveling out of the city on official business.
 - (a) Use of marked or unmarked vehicles will be coordinated through the Administrative Lieutenant.
2. Members using their personal vehicle for travel on official business must receive prior approval from the Chief of Police.
 - (a) Employee member must maintain liability insurance with limits of \$250,000/\$500,000/\$100,000 and \$100,000/\$300,000 for underinsured or uninsured motorist coverage. Proof of this coverage must be supplied to the Fleet Manager.
 - (b) The use of personal motorcycles/mopeds is not allowed and cannot be used to conduct City of Wausau business.
 - (c) Members will car pool when appropriate. The City will not pay transportation costs for more than one vehicle when carpooling was available and not used.
 - (d) Mileage will be reimbursed at the current IRS rate per mile.
3. Members traveling by air or other commercial transportation shall use the coach or economy rate for the most direct route. Receipts are required.
4. A rental car may be available to members who travel by air. When a conference or training site is located within the hotel the member is staying, the department will not reimburse the cost of car rental. The department shall reimburse shuttle or taxi fare from the air terminal to the conference site/hotel accommodations.
 - (a) Exceptions may be allowed by the Chief of Police when the city holding the training or conference is not serviced by air travel or the costs of taxi or shuttle fare would exceed the cost of car rental.
5. Whenever possible, receipts for transportation costs should be obtained by the member, including parking fees and shuttle expenses.

352.9 CAPITAL BUDGETING

Long-term planning is an essential element for all City Departments. It is imperative that the department maintains a realistic anticipation of future problems and needs through a capital plan which has been carefully identified and analyzed.

The City has a 1-5 year capital improvement program designed for expenditures in excess of \$25,000 for assets with an economic life of several years.

All capital improvement program applications will be evaluated and reviewed by a committee.

The Administrative Supervisor shall formalize capital improvement plans with input from various department members and other sources. The capital improvement plan will be submitted to

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the Chief for approval and then forwarded to the Finance department for Capital Improvement Committee approval.

Arrest Procedures

353.1 PURPOSE AND SCOPE

This policy establishes procedures for all arrests, which includes, but is not limited to, procedures related to arrests with a warrant, circumstances permitting a warrantless arrest, safeguarding of arrestee rights, required reports, and fingerprinting and photographing requirements.

353.2 DEFINITIONS

Arrest: The legal detainment of a person to answer for criminal charges or civil demands. For clearance/reporting purposes of this department, it will be considered an arrest when an officer completes an incident report documenting alleged criminal activity and forwards the report to the district attorney for review and issuance of a criminal complaint.

Custodial Arrest: The act of depriving a person of their liberty by legal authority for the purpose of holding or detaining that person to answer a criminal charge or civil forfeiture action.

Non-Custodial Arrest: The act of temporarily depriving a person of their liberty by legal authority for the purpose of issuance of a citation or summons relating to a civil forfeiture action.

Crime: An offense against the state and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

Fresh Pursuit: The pursuit by an officer of someone the officer has probable cause to believe has violated any law or ordinance the officer is authorized to enforce. Fresh pursuit allows the officer to follow the person outside of what normally would be the officers' geographical limits and continue the fresh pursuit anywhere in the state and arrest the person for the offense(s) the officer is authorized to enforce.

Probable Cause: A set of facts and circumstances which would lead a reasonable police officer to believe that a crime has probably been committed and that the person in question has probably committed it. It is more than a hunch or suspicion, but less than the evidence required to convict at trial. "Reasonable grounds" specified in the statute on authority to arrest is the same as probable cause.

Arrest Warrant: An official document signed by a judge or other authorized court official accusing an individual of a crime and authorizing law enforcement personnel to take that person into custody.

353.3 POLICY

It is our policy that officers shall investigate and make arrests for violations of state and municipal laws and ordinances in accordance with laws and/or procedures imposed by the Constitutions of the United States and the State of Wisconsin, federal, state and municipal legislation, and department policy.

353.4 PROCEDURE

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Arrest Procedures

353.4.1 AUTHORITY TO ARREST

Authority to Arrest – Wis. Stat. § 968.07 (1)

- (a) Under Wisconsin law, there are four situations in which an officer is statutorily authorized to make an arrest:
 - (a) With a warrant commanding arrest of the person.
 - (b) With belief on reasonable grounds that a warrant for the person's arrest has been issued in this state.
 - (c) With belief on reasonable grounds that a felony warrant has been issued for the person's arrest in another state. In Wisconsin, an officer shall not arrest on a misdemeanor warrant issued from another state.
 - (d) With belief on reasonable grounds that the person is committing or has committed a crime.

Authority to Arrest – Wis. Stat. § 62.09 (13)

- (a) The above statute expands officers' authority to arrest for violations of non-criminal state law and municipal ordinance when it states that an officer "shall arrest with or without process . . . any person violating any law of the state or ordinance of the city."

Authority to Issue Municipal Citations – Wausau Municipal Code § 1.01.025

- (a) The above ordinance allows officers to issue citations for municipal ordinance violations or regulations of this City. This includes traffic and non-traffic related events.

Citizen Aid During Arrest – Wis. Stat. § 968-07 (2)

- (a) The above statute allows an officer making a lawful arrest to command the aid of any person, and that person shall have the same power as that of the law enforcement officer.

353.4.2 USE OF FORCE

Officers making an arrest shall use only that force which is reasonably necessary to effect the arrest. See policy entitled "Use of Force."

353.4.3 SAFETY CONSIDERATIONS IN ARREST SITUATIONS

The following shall be considered by officers in arrest situations:

- (a) An effort shall be made to effect all arrests in an environment that poses minimal danger to officers, citizens and the subject of arrest.
- (b) Whenever possible, all custodial arrests should be conducted by two officers.
- (c) The Marathon County S.W.A.T. is available to assist with any arrest that poses a high probability for danger.

353.4.4 IDENTIFICATION OF ARRESTEES

In all arrest situations, officers shall make every reasonable effort to properly identify the person(s) to be arrested.

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353.4.5 ARREST WITH A WARRANT

The following are procedures or considerations for effecting an arrest with a warrant:

- (a) A file of all warrants issued as a result of department action shall be maintained at the Marathon County Sheriff's Department Dispatch Center. This file shall be available to officers on a 24 hour basis.
- (b) Arrest warrants shall be served by sworn officers only.
- (c) Officers shall be responsible for confirming the validity of a warrant in situations when the officer is not in possession of the warrant. Warrants originating from an outside agency shall require teletype confirmation, however, telephone confirmation shall be acceptable pending the teletype receipt.
- (d) Temporary detention of an individual for the purpose of verifying warrant status is permissible.
- (e) Upon making an arrest with a warrant, the arresting officer will inform the arrested person as soon as practicable of the nature or the crime with which the person is charged. "As soon as practicable" does not mean immediately. A false reason or no reason may be given at the time of the arrest and the truth told only after the person is securely in custody in an area safe to the officer. When available, a copy of the warrant shall be provided to the person arrested.
- (f) Prior to or upon making an arrest with a warrant, the arresting officer shall ask the person if he/she had knowledge of the warrant, knowledge of circumstances that may have resulted in the issuance of the warrant, and/or resided in or visited the jurisdiction from which the warrant was issued.
- (g) An arrest warrant may be lawfully served at any time, though certain restrictions shall apply to the service of warrants for minor forfeiture actions; such as violations of municipal ordinances and non-criminal traffic statutes. Warrants for minor forfeiture action may be served at any time when the person named on the warrant is contacted during the course of a lawful stop or observed in a public place. Aside from this type of contact, officers should be aware that the most appropriate time for service is from 7 am to 9 pm , Monday through Friday. This does not preclude officers from serving such warrants outside of these hours if circumstances suggest that service within the prescribed hours would be difficult to accomplish.
- (h) Upon execution of a warrant, officers shall notify the Marathon County Sheriff's Department Dispatch Center and request that the warrant be removed from the T.I.M.E. system.
- (i) Officers shall not leave the City of Wausau to serve a warrant unless they are working in conjunction with an officer of the jurisdiction in which the warrant is to be served or are involved in a fresh pursuit situation.
- (j) When serving an arrest warrant at the residence of the person being sought, officers shall be required to knock, state their identity and purpose, and await permission to enter, with the following exceptions:
 - 1. When executing a warrant for a felony and, after announcing identity and purpose, entry is refused.

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2. When those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that destruction of evidence is being attempted.
 3. When those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that escape is being attempted.
 4. When officers are justified in the belief that they, or the persons within, are in imminent peril of bodily harm.
- (k) When forcible entry is required, officers shall perform the following:
1. Locate and control all persons on the premises and any property which might potentially serve as a weapon.
 2. Photograph any damage occurring as a result of the forcible entry and describe in the incident report how the damage occurred.

353.4.6 ARREST WITHOUT A WARRANT - CRIMINAL (NON-TRAFFIC)

The following are procedures or considerations for effecting an arrest without a warrant in criminal, non-traffic, situations:

- (a) An arrest on the strength of a warrant is preferable to a warrantless arrest; however, the immediacy of many police arrest situations makes it impractical to delay matters while a warrant is obtained.
- (b) The decision to make a custodial arrest shall be based on the seriousness of the offense, possibility of flight, not being able to properly identify the suspect, harm to other persons, destruction of evidence, or matters of that nature.
- (c) The alternative to a custodial arrest is to complete an incident report documenting the alleged criminal activity and refer the report to the district attorney for review and the issuance of a criminal complaint and warrant or summons to appear.
- (d) Officers effecting an arrest without a warrant at the private residence of the person being sought shall be required to knock, state their identity and purpose, and wait permission to enter. Without permission to enter, warrantless entries are generally considered unreasonable unless the following circumstances exist:
 1. When probable cause exists to make a felony arrest and those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that destruction of evidence is being attempted.
 2. When probable cause exists to make a felony arrest and those within, upon being made aware of the presence of someone outside, engage in activity which justifies officers in the belief that escape is being attempted.
 3. When probable cause exists for making an arrest and officers are justified in the belief that they, or the persons within, are in imminent peril or bodily harm.
 4. When officers, with probable cause to make an arrest for a crime, are in fresh pursuit of a suspect.
- (e) When forcible entry is required, officers shall perform the following:

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1. Locate and control all persons on the premises and any property which might potentially serve as a weapon.
 2. Photograph any damage occurring as a result of the forcible entry and describe in the incident report how the damage occurred.
- (f) Officers shall not leave the City of Wausau to effect a warrantless arrest unless they are working in conjunction with an officer of the jurisdiction in which the arrest is to be made or involved in a fresh pursuit situation.

353.4.7 ARREST BY CITATION

Certain warrantless arrest situations shall be accomplished through the issuance of a City of Wausau Municipal Citation or a State of Wisconsin Uniform Traffic Citation. These situations can be categorized as follows:

(a) Municipal Ordinance Violations (Non-Traffic)

1. The action for which the citation is being issued must constitute a violation of municipal ordinance.
2. If the action for which the citation is being issued also represents a violation of a state criminal statute, officers shall weigh factors such as the gravity of the offense, the demeanor of the offender, the safety of all parties involved, and previous department contacts with the offender in determining whether the offender should be issued a citation or arrested for a crime.
3. Municipal citation arrests shall be non-custodial. An offender arrested solely on the basis of a municipal ordinance violation shall be released upon receipt of the municipal citation. Ordinance violations are a civil action.

(b) State of Wisconsin Traffic Violations

1. The action for which the citation is being issued must constitute a violation of Wisconsin traffic statutes or a City of Wausau municipal ordinance adopting the state statute.
2. In all cases where a municipal ordinance has adopted the Wisconsin traffic statute, the citation shall be written in a manner that has the City of Wausau bringing the charge.
3. All persons arrested for a violation of a municipal ordinance traffic forfeiture action shall be released from custody without a cash bond if they:
 - (a) Have either a Wisconsin driver's license or proper identification; or
 - (b) The arresting officer is otherwise satisfied that the accused will make future court appearances.
4. All persons arrested for a misdemeanor traffic offense shall be released from custody without a cash bond unless any of the following exist:
 - (a) The accused does not have proper identification.
 - (b) The accused appears to represent a danger of harm to themselves, another person or property.

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- (c) The accused cannot show sufficient evidence of ties to the community as evidenced by at least one of the following:
 - 1. Has not had a local address for at least 60 days.
 - 2. Does not have a bona fide job in the community at the present time.
 - 3. Does not have close relatives in the community.
 - 4. Does not have close connections to the community.
 - (d) The accused has previously failed to appear in court or failed to respond to a citation.
 - (e) Arrest or further detention is necessary to carry out legitimate investigative action in accordance with department policies.
- 5. All persons not released pursuant to the above guidelines shall be released upon compliance with the state deposit or misdemeanor bail schedule unless bail is otherwise set by the court.
 - 6. Those persons accused of O.M.V.W.I. shall be held in custody until impairment has elapsed or they may be released to a responsible adult after processing.
 - 7. Generally, persons arrested for felony traffic offenses shall be held in the Marathon County Jail pending an initial court appearance on the charges.
- (c) Warrantless Entry Into Residence to Effect Ordinance or Citation Arrest
- 1. An officer solely attempting to effect an ordinance or citation arrest shall not make a warrantless entry into a residence unless one of the following conditions apply:
 - (a) The officer is invited into the residence by someone the officer can reasonably believe has the authority to make such an invitation.
 - (b) The officer is justified in the belief that either the officer or the persons within, are in imminent peril of bodily harm.

353.4.8 CO-EXISTING STATE AND MUNICIPAL OFFENSES

It is entirely proper for an officer to write out criminal and criminal traffic citations with one return date in circuit court while writing out traffic forfeiture or municipal citation matters with a different return date before the municipal court. The following guidelines apply for co-existing offenses:

- (a) The officer must ensure the initial appearance date and time are the same for processing all criminal traffic and criminal charges.
- (b) A copy of the municipal citation or non-criminal traffic citation should be attached to the criminal charge referred to the district attorney.
- (c) Whenever possible, officers shall schedule the appearance date for municipal or non-criminal traffic citations prior to the appearance date for criminal charges.
- (d) Officers should not issue citations for situations in which the conduct of the suspect would be virtually the same for each charge. Examples would include 1st offense O.M.V.W.I. and homicide by O.M.V.W.I.; eluding an officer and several municipal sign/signal and speeding violations; battery to an officer and municipal disorderly conduct.

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- (e) When in doubt as to the appropriateness of issuing citations in these situations, officers should consult with a supervisor.

353.4.9 ASSIST OTHER AGENCY REQUESTS

Periodically, other law enforcement agencies will request assistance from our department in effecting an arrest. Certain guidelines shall be followed in providing this assistance:

(a) Arrest With Warrant

1. Warrants issued in Wisconsin are directed to all law enforcement agencies of the state and may be served anywhere in the state.
2. An officer receiving a request from another agency to execute an arrest warrant on their behalf shall first confirm the warrant by checking the N.C.I.C. and C.I.B. sources. If the warrant does not appear in these files, the officer shall request teletype confirmation of the warrant from the requesting agency.
3. In exigent circumstances, officers may act on a telephone request from another agency. However, this information must be verified by a minimum of a return call to the agency to ensure the legitimacy of the phone request. As soon as practicable, a phone request shall always be followed by a teletype confirmation.

(b) Arrest Without Warrant

1. Officers responding to a teletype request from another police agency to effect a warrantless arrest may conduct such an arrest if the suspect is located within the city and it is impractical to obtain a warrant under the circumstances.
2. Officers may also effect an arrest on the strength of a radio or telephone request from another agency. However, teletype confirmation of such a request shall be sought, preferably before the arrest is effected. Again, it must be considered impracticable to obtain a warrant under the circumstances.
3. Officers shall be cautious of other agency requests that contain phrases such as "attempt to locate" or "stop and detain" and shall ascertain the clear nature of the request prior to taking the arrest action.

(c) Arrest by Citation/Summons

1. Officers shall not author a summons or citation on behalf of another jurisdiction for an offense occurring outside of the city. This will not apply under circumstances when mutual aid has been requested and the agency is participating in joint enforcement efforts (e.g. speed/OWI grants).
2. Officers may, on occasion, be asked to deliver summonses or citations, issued by another agency, on behalf of that agency. Service of such legal process shall be in accordance with the guidelines established in the Legal Process policy.

353.4.10 RELEASE FROM ARREST

Section 968.08, Wis. Stats., states that, "A law enforcement officer having custody of a person arrested without a warrant may release the person arrested without requiring them to appear before a judge if the law enforcement officer is satisfied that there are insufficient grounds for the issuance of a criminal complaint against the person arrested."

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353.4.11 IMMUNITY FROM ARREST

International Law, to which the United States is firmly committed, requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. Most of these privileges and immunities are not absolute and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments. The following shall be considered:

(a) Privileges and Immunities in the United States.

1. The United States Department of State, Office of Protocol, and the U.S. Missions to the United Nations issues identification documents to foreign government personnel who are entitled to privileges and immunity in the United States. There are different degrees of immunity (printed on their identification cards) that are provided to foreign government personnel.
 - (a) Full Immunity - Full immunity is provided high level diplomats and their families. Persons with full diplomatic immunity cannot face criminal or civil charges unless an Express Waiver of Immunity is obtained from the State Department. However, drivers with full immunity can be cited for traffic violations and O.M.V.W.I.; they just cannot be arrested.
 - (b) Full Criminal Immunity - Full criminal immunity is provided for mid-level officials and family members assigned to a foreign mission. They are subject to civil actions but cannot be arrested. They can be cited for traffic violations and O.M.V.W.I., but not arrested.
 - (c) Limited Immunity - Limited immunity is given to service staff of foreign missions and members of consular posts. Limited immunity is only enforced if the person is performing an official act for their country at the time of the violation. This does not cover the person when they are on their own time. Those with limited immunity performing official acts can be cited but not arrested. Persons with limited immunity not performing official acts are subject to arrest.
2. Verification of Diplomatic Status and Immunities
 - (a) In all cases, including those in which the individual provides a U.S. Department or State-issued identification card, officers shall verify the current status with the U.S. Department of State. Department of State representatives are available 24-hours daily. Supervisory officers of the Wausau Police Department shall have the telephone numbers to the U.S. Department of State for current status.
3. Copies of Police Reports
 - (a) The U.S. Department of State and United Nations requests copies of any and all police reports, such as incidents, citations, and accident reports, be faxed to their departments.
4. Traffic Enforcement - Minor Cases

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- (a) Stopping a mission member or dependent and issuing a traffic citation or warning for a moving violation does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the citation.
For “must appear” offenses, the U.S. Department of State uses the copy of the citation and any report as the basis for requesting an “express waiver of immunity.” Individuals cited for prepayable offenses are given the option of paying the fine or obtaining a waiver in order to contest the charge.
- 5. Traffic Enforcement - O.M.V.W.I.
 - (a) Field sobriety and PBT test may be conducted, but not compelled.
 - (b) If warranted, a citation may be issued and complete documentation of the incident should be completed and immediately faxed to the U.S. Department of State.
 - (c) A driver with full or criminal immunity cannot be arrested, handcuffed and taken to the station for processing. The exception is when personal safety of the driver is a factor. However, the driver cannot be booked or held in cell.
 - (d) The one exception to subd. (c) is for the persons safety; however, the person cannot be booked or held in a cell.
 - (e) Transportation for the driver should be obtained.
 - (f) If the impaired driver is combative, it is acceptable to use any responsible means to provide protection to the driver, officers, and citizens. This may include a temporarily placing of the driver in a cell as a last resort. The U.S. Department of State shall be immediately contacted.
 - (g) Officers writing reports on the subject should avoid using words detained or detention. Instead, the words “delayed” or “held for protection” should be used.
- 6. Property of Persons Enjoying Full Criminal Immunity
 - (a) The property of a person enjoying full criminal immunity, including his or her vehicle, may not be searched or seized. Such vehicles may not be impounded or “booted” but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.
- (b) U.S. Citizens - Temporary Immunity
 - 1. According to federal and state constitutional laws and statutes, certain government officials are exempt from arrest under specified situations.
 - (a) Members of the legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during the session of the legislature, and for fifteen days before the commencement and after the termination of each session.
 - (b) The officers of the several courts of record shall be liable to arrest and may be held to bail in the same manner as other persons, except during the actual sitting of any court of which they are officers; and when sued with any other

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person such officers shall be liable to arrest and may be held to bail as other persons during the sitting of the court of which they are officers. No attorney or counsel may be exempt from arrest during the sitting of a court of which he or she is an officer unless he or she is employed in some case pending and then to be heard in the court.

- (c) No officer of the senate or assembly, while in actual attendance upon the duties of that person's office, shall be liable to arrest on civil process.
- (d) During the time the state military forces are performing military duty pursuant to proper orders by the governor or by the governor's authority, all members thereof while going to, remaining at or returning from a place of duty shall be exempt from arrest or service of any process issued by a civilian court.
- (e) Persons under this section may be cited and released during the times that they may be exempt from arrest.
- (f) Officers of this department having contact with persons claiming exemption based on the above should attempt to verify that person's exemption through use of a business card, I.D. card, etc.. Generally, however, officers should give the benefit of the doubt to the person claiming exemption.
- (g) Nothing in this order or in the law precludes an officer from obtaining a warrant at a later time for the person released under the claimed exemption.

353.4.12 SEARCH INCIDENT TO ARREST

Upon a lawful arrest, a search of a person, object, or place may be made and things may be seized, Sec 968.10, Wis Stats.

- (a) Section 968.11, Wis Stats., defines the scope of search incident to lawful arrest, stating that an officer "may reasonably search the person arrested and an area within the person's immediate presence for the purpose of:"
 - 1. Protecting the officer from attack.
 - 2. Preventing the person from escaping.
 - 3. Discovering and seizing the fruits of the crime.
 - 4. 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.
- (b) Protective Sweep
 - 1. During the course of an in-home arrest, officers may conduct a quick and limited search of the premise to protect the safety of the officer or others. The search, based on specific and articulable facts giving rise to a reasonable suspicion "that the area to be swept harbors an individual posing a danger to those on the arrest scene, shall only be a cursory inspection of those spaces where a person may be found. In the room where the arrest takes place, absence of a reasonable suspicion, an automatic sweep may be conducted.
 - 2. If, during an arrest, an automobile is within the suspect's immediate control, the officer may search the vehicle when the defendant is still present at the scene of the

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arrest if the search is for 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 for which the individual was arrested.

- (a) The vehicle search includes those areas and articles contained therein within the reach, lunge, or grasp area of the suspect, in which evidence related to the criminal offense may be secreted.
- (b) The search may also include those areas not within the immediate reach, lunge, or grasp area (e.g. trunk) based upon the fact situation and the reasonableness, based upon the officer's observations, training, and experience, that evidence of the crime would be located in those areas.
- (c) A search incident to a lawful arrest is permitted for custodial arrests involving both criminal and non-criminal offenses.

353.4.13 RIGHTS UPON ARREST

The following are rights upon an individual's arrest:

- (a) A search incident to a lawful arrest is permitted for custodial arrests involving both criminal and non-criminal offenses.
- (b) If a suspect indicates in any manner and at any time, either before or after being advised of Miranda rights, that the suspect wishes to consult with an attorney before speaking, there shall be no further questioning regarding the incident.

Non-custodial arrest situations, such as a routine traffic stop or ordinance violation, are more related to a temporary investigative stop and do not require Miranda warnings.

353.4.14 RELEASE FROM CUSTODY

The following shall be considered when releasing an individual from custody:

- (a) Officers who have made a custodial arrest shall have the discretion to release the suspect with charges pending in situations where the gravity of the offense is minor, the suspect does not pose a risk of flight, and the safety of victims or the public is not in question.
- (b) Suspects who are not subject to release shall, in many cases, have the option of posting a bond for the purpose of securing their release from custody. Bond amounts for misdemeanor crimes can be found in the State of Wisconsin Uniform Misdemeanor Bail Schedule. Bond amounts for felony crimes can be obtained by contacting the county jail.
 - 1. Suspects requiring time to obtain the necessary bond shall be confined at the county jail during the interim.
 - 2. Bond shall only be accepted at the county jail.

353.4.15 RECORDING ARREST INFORMATION

Arresting/transporting personnel are responsible for completing any/all forms/cards that the county jail may require for their records system. The county jail is responsible for both fingerprinting and photographing persons custodially arrested.

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353.4.16 REPORTS

A case number shall be assigned and a report completed for every arrest situation. The type of report required, such as incident, summons, citation, shall depend upon the nature of the offense.

Department Security

354.1 PURPOSE AND SCOPE

This policy establishes guidelines to help ensure employee safety and the physical security of the public safety building.

354.2 POLICY

The Wausau Police Department shall operate under a system of accountability regarding department facilities that protects the safety and security of all persons and property.

354.3 GENERAL BUILDING SECURITY

The Wausau Police Department is a secured facility, allowing only department approved personnel access to the building by means of both a manual and electronic locking system. Access to the lobby is restricted to normal business hours. Interior doors providing access to areas of the police department not open to the public shall remain closed and locked at all times unless directly controlled by a department employee.

354.3.1 PERIMETER

The exterior of the safety building is monitored via closed circuit television. Personnel observing any activity, in person or on CCTV, that appears suspicious or may pose a threat to the safety of citizens, employees, the physical assets of the public safety building or property under department control shall investigate or cause to have officers investigate.

354.3.2 PUBLIC ACCESS POINTS

Public access points include the Seymour Street and Grand Avenue vestibules. Access into the lobby is restricted to normal business hours. The hours are Monday - Friday, 8:00 AM to 4:30 PM.

Outside of normal business hours, citizens entering the Seymour Street and Grand Avenue vestibules have access to an intercom system. The intercom system connects citizens to Marathon County Communications.

354.3.3 EMPLOYEE ACCESS POINTS

Police Department employees, selected city employees/officials and auxiliary officers have access to the public safety building from all exterior doorways. The entrance restricted solely to authorized personnel is located on the north side of the safety building.

Authorized personnel includes those persons who have been provided "proximity" cards, FOBS and/or keys allowing facility access. A file shall be maintained of authorized personnel who have been provided with proximity cards, FOBS and/or keys.

354.4 VISITOR IDENTIFICATION SYSTEM

The visitor identification system is designed to identify all visitors that enter the inner perimeters of the department. The inner perimeters of the department do not include the Community Room, Lobby Interview/Conference Room and lobby of the department. All visitors entering the interior

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of the public safety building will be subject to having their person and property searched by sworn or trained personnel. Both interior entrance doors from the lobby are posted advising visitors of this policy. The search of visitors will be left to the discretion of the officer allowing access to the interior of the public safety building.

354.4.1 VISITOR LOG

All visitors entering the inner perimeter of the department shall complete the Visitor Log. The Visitor Log shall include the following:

- (a) Date of visit
- (b) Name
- (c) Company name
- (d) Name of person visited
- (e) Purpose of visit
- (f) Time in
- (g) Time out

This log shall be maintained for a minimum of one year and shall be reviewed frequently for accuracy and completeness by the Administrative Supervisor or his/her designee.

354.4.2 VISITOR IDENTIFICATION BADGE

In addition to completing the Visitor Log, all visitors entering the inner perimeter of the department shall be issued a visitor identification badge. There are two types of visitor identification badges:

- (a) Red Badge
 - 1. Visitors who require escort by authorized personnel for the duration of their visit.
- (b) Green Badge
 - 1. Visitors who have unescorted access to the department. Examples of visitors who may have unescorted access include, but are not limited to, maintenance personnel, contracted service providers, vendors, select City employees and other law enforcement.

It is the responsibility of all employees to ensure that all visitors to the department are properly identified. If an employee finds a visitor in the inner perimeter without a visitor identification badge, or conducting affairs that appear to be inconsistent with the visitor's authority, that employee will identify the visitor and inquire into his/her activities. Violations shall be reported to a supervisor.

The department member sponsoring the visitor shall determine the type of identification badge to be issued and shall be responsible for the prompt return of the badge when the visit ends.

354.4.3 EXCEPTIONS TO THE VISITOR IDENTIFICATION SYSTEM

There are prescribed exceptions to the Visitor Identification System. The following persons are not required to complete the Visitor Log or obtain a visitor identification badge prior to entering the inner perimeter of the department:

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- (a) Complainants, witnesses, suspects and prisoners. Said persons shall remain under the immediate control of an officer at all times.
- (b) Groups of citizens visiting the department as a part of tour, provided they are under the direction and control of a department member at all times.
- (c) Other law enforcement or personnel from a related field (e.g. Probation/Parole, DA's Office, Social Services etc.) while participating in an investigation or training.

Victim Response Team

355.1 PURPOSE AND SCOPE

This policy shall be used for all victims receiving services from the Wausau Police Department Victim Response Team who are requesting emergency assistance such as food, clothing, emergency shelter, gas cards, phone cards, locks and window repairs.

355.2 POLICY

In order to receive assistance through the Victim Response Team, to include emergency assistance, an individual must be the victim of a crime. At no time will cash be given as assistance through this program.

355.3 VICTIM ASSISTANCE

Assistance provided through the Victim Response Team includes:

- Emergency shelter at a local hotel/motel when the victim is unable to pay.
- Emergency food in cases where a victim would need to leave their home and is unable to pay.
- Gas cards or transportation assistance for victims without necessary means of transportation and who are unable to pay for such services.
- Clothing for victims in cases when a victim's clothing is destroyed, or taken as evidence as a result of his/her victimization.
- Door locks, handles and window repairs in cases where safety is an issue and the victim is unable to pay for repairs.
- Phones and phone cards in cases when the victim requires a phone for safety, and is unable to pay.
- Additional necessities deemed appropriate by the Program Director.

355.4 FINANCIAL ASSISTANCE AUTHORIZATION

Prior to emergency financial assistance being provided, the Program Director shall:

- Validate the victim status of the individual requesting the assistance;
- Validate the need for emergency financial assistance; and
- Verify the expenses are the direct result of the crime.

No emergency financial assistance will be provided without approval of the Program Director.

Bomb Squad

356.1 PURPOSE

This policy establishes procedures for Bomb Squad deployment, coordination and cooperation, and criteria for assignment to the Bomb Squad.

356.2 POLICY

In cooperation with the Marathon County Sheriff's Office (MNSO), a limited number of Wausau Police Department members may be assigned to serve on the Marathon/Oneida Bomb Squad maintained and commanded by MNSO. Assigned Bomb Squad members will be supplied with the special equipment that MNSO approves and specifies for members of the Bomb Squad. The Bomb Squad is generally available for deployment as mutual aid for tactical events and extraordinary occurrences as requested by the department.

356.3 PROCEDURES

A. Request for Bomb Squad: The shift supervisor may request Bomb Squad deployment for tactical events/situations and extraordinary occurrences, and will communicate the request to dispatch, which will forward the request to Bomb Squad command. Bomb Squad request/deployment is anticipated for extraordinary occurrences, as set forth in the Emergency Mobilization Plan – Chapter 202.

B. Bomb Squad Deployment: In coordination with the requesting department supervisor, Bomb Squad command will determine if Bomb Squad members will respond and to what extent, and will facilitate call-back of appropriate Bomb Squad personnel. The Bomb Squad unit consists of a Commander, Certified Bomb Technicians, and Assistant Bomb Technicians.

C. Bomb Squad coordination and cooperation: Department personnel otherwise responding/involved in the event are responsible for establishing a perimeter of safe distance and intelligence gathering. The scene/event supervisor will ensure perimeter security and establish a command post or staging area at a location selected in cooperation with Bomb Squad command. The supervisor shall facilitate relay of scene/event intelligence to Bomb Squad command, and shall consult with Bomb Squad personnel as to recommended distance/scope of perimeter, and for determination of incident commander.

356.4 BOMB SQUAD ASSIGNMENT SELECTION

In order to be eligible for the Bomb Squad selection process conducted by MNSO, department members must first meet the following qualifications as required by this department:

1. Applicant must be a patrol officer and have a minimum of two years of service with the department.
2. Applicant must be willing to make a commitment to the Bomb Squad for five years.
3. Applicant should be in good physical condition.

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4. Applicant must be willing to provide a cellular phone contact number and be available at all times of the day/night.

5. Applicant must possess strong communication skills.

Further, the department command staff will conduct an internal review of candidates that meet/agree to the above qualifications. Based upon the internal review, candidates will either be approved or denied from participation in the MNSO selection process/try-outs. The department's internal review will include:

1. Productivity
2. Performance reviews
3. Sick-leave abuse assessment
4. Performance Potential Evaluation to include:
 - a. Attitude
 - b. Teamwork
 - c. Loyalty
 - d. Dependability
 - e. Cooperation
 - f. Initiative

Approved members may then participate in the Bomb Squad selection process conducted by MNSO, which may include a physical fitness test and interview. MNSO Bomb Squad command retains authority in regard to final selection of department members for assignment to the Bomb Squad.

356.5 BOMB SQUAD ASSIGNMENT

Members assigned to the Bomb Squad shall be subject to policies/procedures set forth in MNSO's Bomb Squad policy. Once assigned to the Bomb Squad, duration of assignment is not guaranteed, and may be revoked at any time by the Chief of Police, for reasons including, but not limited to, unsatisfactory performance of department duties and responsibilities, and department budgeting. Assignment may also be revoked unilaterally by MNSO.

356.6 BOMB SQUAD TRAINING

Members assigned to the Bomb Squad shall complete and maintain all training requirements of the Bomb Squad, which includes monthly training exercises as allowed by duty schedules, and in effort to meet guidelines of the FBI National Guidelines for Bomb Technicians. Attendance outside a member's scheduled duty hours shall be coordinated via the member's department supervisor, who may authorize adjustment of duty schedule to accommodate training.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department and to establish twenty-four hour coverage of police services with sufficient overlaps and roll call sessions to provide for continuous police coverage at all times for the immediate assignment of officers to emergencies.

400.2 24 HOUR COVERAGE

By administrative policy and labor agreements, the Department will provide twenty-four hour police services to the City by utilizing the number of prescribed and allocated shifts and personnel to staff sectors and related assignments.

Shifts will ensure continuous coverage at all times which may include early and late officers or staggered start times or assignments per administrative policy/labor agreements.

To ensure that oncoming officers are informed of assignments and receive updated information since their last duty time, shifts will use oncoming patrol briefings to provide pertinent information.

400.3 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Wausau, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and crashes, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other bureaus within the Department, as well as other government agencies.

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- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Response to disasters, civic unrest and natural emergencies.
- (k) Assist in the service of civil papers.

400.3.1 TERRORISM

It is the goal of the Wausau Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Detective Bureau supervisor in a timely fashion.

The Detective Bureau supervisor shall review all terrorism-related reports as soon as practicable and contact the Wisconsin Statewide Intelligence Center (WSIC), the Wisconsin Joint Terrorism Task Force (JTTF) or the Southeastern Wisconsin Terrorism Alert Center (STAC) when there is a reasonable suspicion that a terrorist threat exists.

400.3.2 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various bureaus of the Wausau Police Department.

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Patrol Function

400.4.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.4.2 PATROL BRIEFINGS

Patrol supervisors are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

Racial- or Bias-Based Profiling

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Wausau Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

401.1.1 DEFINITION

Definitions related to this policy include:

Racial- or bias-based profiling - Includes any law enforcement initiated action that relies upon common traits associated with belonging to a certain group; such as race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or any other identifiable characteristics.

401.2 POLICY

The Wausau Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

Race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or any other identifiable characteristics shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law. Racial- or bias-based profiling is strictly prohibited.

Agency personnel may use common traits as outlined above in selecting whom they stop when a person matches the specific description of an individual who is suspected of engaging in criminal behavior.

401.3 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

401.3.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report,), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

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Racial- or Bias-Based Profiling

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

401.5 ADMINISTRATION

The Patrol Bureau Commander shall review any reports of Racial or Bias based profiling and forward that information to the Chief of Police.

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Wausau Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

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Crime and Disaster Scene Integrity

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 CRIME OR DISASTER SCENE CLEANUP

Crime scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)).

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Division of Criminal Investigation (DCI) should be notified. The Wisconsin Department of Natural Resources (WisDNR) should be notified to assess environmental impacts from outdoor chemical spills or improper waste disposal (Wis. Stat. § 254.59; Wis. Stat. § 292.11).

402.7 INVESTIGATION BUREAU COMMANDER RESPONSIBILITIES

The Investigation Bureau Commander is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

402.8 TRAINING

The Training Officer should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

Ride-Along

403.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

403.1.1 ELIGIBILITY

The Wausau Police Department ride-along program is offered to persons who meet the minimum applicant criteria. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

403.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Lieutenant. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form.

The Patrol Lieutenant will schedule a date, based on availability. If approved, a copy of the ride-along waiver form will be forwarded to the respective Patrol Lieutenant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

403.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-along will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, qualified volunteers, chaplains, auxiliary and police applicants with approval of the Patrol Lieutenant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time. When practicable, ride-along who request multiple opportunities to participate in the ride-along program should be rotated among officers.

Ride-along requirements for police Explorers are covered in the Explorers Policy.

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Ride-along participants may not carry firearms unless they are legally authorized to do so and the Patrol Lieutenant has permitted such carry.

403.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Patrol Lieutenant or field supervisor may refuse a ride-along to anyone not properly dressed.

403.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

403.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Wisconsin Department of Justice (WisDOJ) Criminal History System check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Wausau Police Department).

403.3 OFFICER'S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. All civilian participants shall be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Patrol Lieutenant.

The Patrol Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Patrol Lieutenant with any comments that may be offered by the officer.

403.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The ride-along will follow the directions of the officer.

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Ride-Along

- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

Hazardous Material Response

404.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Wisconsin law, the following represents the policy of this department.

404.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous substance - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives (Wis. Stat. § 299.01(6)).

404.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potential hazardous material from a safe distance.
- (b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:
 1. Placards and use of the Emergency Response Guidebook.
 2. Driver's statements or shipping documents from the person transporting the material.

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Hazardous Material Response

3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
1. The identity of the material.
 2. How to secure and contain the material.
 3. Any other information to protect the safety of those present, the community and the environment.
- (f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (j) Establish a decontamination area when needed.
- (k) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.

404.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Bureau Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

404.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

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Hazardous Material Response

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

Hostage and Barricade Incidents

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking hostage(s).

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

Hostage and barricaded-person situations are considered extraordinary occurrences, for which responsibilities are assigned to various levels of personnel in the chain of command within the **Emergency Mobilization Plan (EMP) - See Chapter 202**. Extent of EMP implementation may vary depending on the magnitude and/or duration of the circumstances; however, the personnel responsibilities, Incident Command System, and other features described therein may be utilized in situations of lesser significance (e.g. situations of short duration, and/or sufficiently staffed by on-duty shift personnel).

405.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

405.2 POLICY

It is the policy of the Wausau Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

405.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Supervisor(s) shall contact dispatch to request MNSO Crisis Negotiation Team (CNT) assistance. If suspect(s) are communicating with first responders, first responders should attempt to inform the suspect(s) that negotiators who can assist with their requests will be responding/in contact. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, and gather information. CNT members will assume communication responsibilities once available, and Officers should cooperate with CNT needs/requests in coordination with supervisor(s).

Hostage and Barricade Incidents

405.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

405.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel (e.g. CNT, SWAT, K9). In the meantime, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed.
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish an exclusive radio frequency for the incident.

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Hostage and Barricade Incidents

405.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel (e.g. CNT, SWAT, K9). However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so.
- (e) Request additional personnel, resources and equipment as needed.
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (i) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (j) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (k) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (l) If necessary and available, establish an exclusive radio frequency for the incident.

405.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, a supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting mutual aid and/or specialized personnel (e.g. CNT, SWAT, K9, Bomb Squad) if appropriate, and notifying command staff in order to assess need for emergency mobilization (see Chapter 202).

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Hostage and Barricade Incidents

The following are additional guidelines, including for use in conjunction with the Emergency Mobilization Plan and the personnel responsibilities therein:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Establish a command post location as resources and circumstances permit.
- (d) Ensure adequate law enforcement coverage for the remainder of the City during the incident.
- (e) Identify a media staging area outside the outer perimeter.
- (f) Assess the need for relief of personnel for incidents of extended duration.

Response to Bomb Threats

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Wausau Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

Bomb threats and explosions are considered extraordinary occurrences, for which responsibilities are assigned to various levels of personnel in the chain of command within the **Emergency Mobilization Plan (EMP) - See Chapter 202**. Extent of EMP implementation may vary depending on the magnitude and/or duration of the circumstances; however, the personnel responsibilities, Incident Command System, and other features described therein may be utilized in situations of lesser significance (e.g. situations of short duration, and/or sufficiently staffed by on-duty shift personnel).

406.2 POLICY

It is the policy of the Wausau Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

406.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Lieutenant is immediately advised and informed of the details. This will enable the Patrol Lieutenant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

406.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

406.4.1 WAUSAU POLICE DEPARTMENT FACILITY

If the bomb threat is against the Wausau Police Department facility, the Patrol Lieutenant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

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Response to Bomb Threats

406.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Wausau Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Lieutenant deems appropriate.

406.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

406.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Wausau, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Lieutenant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

406.6 ASSISTANCE / COMMAND OF INCIDENT

A supervisor should be notified when police assistance is requested. The supervisor(s) will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the

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facility or the public may require a more significant and active approach, including police control over the facility, in which case the supervisor should respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting mutual aid and/or specialized personnel (e.g. CNT, SWAT, K9, Bomb Squad) if appropriate, and notifying command staff in order to address emergency mobilization (see Chapter 202).

Where the event does not rise to the level of emergency mobilization, and the supervisor(s) determine that the Department will assist or control such an incident, the supervisor(s) will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

406.7 FOUND DEVICE

In instances where a suspected explosive device has been located, command staff shall also be notified in order to address emergency mobilization (see Chapter 202), mutual aid, and/or special teams, and to designate an Incident Commander. The following are additional guidelines for all personnel, including for use in conjunction with the Emergency Mobilization Plan:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices

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- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Incident Commander the including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

406.8 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, a coordinated, rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures. For significant circumstances, in regard to magnitude and affected area, the **Emergency Mobilization Plan (Chapter 202)** shall implemented to ensure sufficient personnel and safety of personnel and the public.

Regardless of the magnitude of the event or level of department response, personnel responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

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406.8.1 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

406.8.2 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Incident Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes. Following scene stabilization, control of the scene may be released to the the assigned investigator(s) and/or other special investigation agency (e.g., DCI, FBI, ATF).

Emergency Detentions

407.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention (Wis. Stat. § 51.15).

407.2 POLICY

It is the policy of the Wausau Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

407.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

407.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergency detention.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

407.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Conflict resolution and de-escalation techniques.
- (c) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

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Emergency detentions should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

407.5 TRANSPORTATION

When transporting any individual for an emergency detention, the transporting officer should notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle, the Patrol Lieutenant should be notified.

407.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the officer should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints

407.7 DOCUMENTATION

The officer shall complete Chapter 51.15 form and provide a copy to the facility staff member assigned to that patient and retain the original form for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

407.7.1 PROBABLE CAUSE STATEMENT

The 51.15 form shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

407.8 CRIMINAL OFFENSES

When an individual who may qualify for an emergency detention has committed a criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.

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- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to the appropriate mental health facility, or to the jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

407.9 TRAINING

This department will periodically provide training on interaction with mentally disabled persons, emergency detentions and crisis intervention.

The department shall designate at least one officer to attend any in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).

Referral and Citation Releases

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Wausau Police Department with guidance on when to refer adults for prosecution, who are suspected offenders of a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

Wisconsin law permits law enforcement agencies to use the referral process in lieu of arrest for misdemeanor or municipal civil forfeiture offenses with certain exceptions (Wis. Stat. § 968.085(2); Wis. Stat. § 800.02(1)).

408.1.1 DEFINITIONS

Definitions related to this policy include:

Misdemeanor citation - A directive, issued by an officer, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

Municipal citation - A directive, issued by a member of this department, that requires a person to appear in municipal court for violation of a state statute or a municipal ordinance. In lieu of a court appearance a forfeiture or penalty may be assessed (Wis. Stat. § 800.02).

408.2 POLICY

The Wausau Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

408.3 STATUTORY REQUIREMENTS

Misdemeanor referrals are authorized by Wis. Stat. § 968.085(2). A misdemeanor referral may be made in lieu of a custodial arrest.

In determining whether to make a referral, an officer may consider whether (Wis. Stat. § 968.085(2)):

- (a) The person has given proper identification.
- (b) The person appears to represent a danger of harm to him/herself, another person or property.
- (c) The person can show sufficient evidence of ties to the community.
- (d) The person has previously failed to appear or failed to respond to a citation.
- (e) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with this department's policies.

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- (f) The offense involves domestic abuse pursuant to Wis. Stat. § 968.075(2) (Wis. Stat. § 968.085(8)).

Officers shall generate a written incident report for submitting a referral for a misdemeanor offense (Wis. Stat. § 758.171).

408.3.1 MUNICIPAL CITATIONS

Municipal citations are authorized under Wis. Stat. § 66.0113. A municipal citation authorized under Wis. Stat. § 66.0113(2) may be issued for a violation of state statute or the City of Wausau municipal ordinance.

In determining whether to issue a municipal citation, a department member should consider whether the offense is in violation of:

- (a) A City of Wausau municipal ordinance.
- (b) A State of Wisconsin traffic statute.
- (c) A State of Wisconsin criminal statute and,
 - 1. The gravity of the criminal statute
 - 2. The safety of the parties involved
 - 3. Previous department contacts with the violator

Release by citation for municipal offenses should be made once the person is properly identified and issued the citation.

Department members shall use the Wisconsin Uniform Municipal Court Citation for issuing a municipal citation for City of Wausau municipal ordinance violations (Wis. Stat. § 800.02). The Wisconsin Uniform Traffic Citation will be used for issuing a municipal citation for violations of state traffic statutes (Wis. Stat. § 345.11).

408.3.2 REFERRAL AND CITATION RELEASE

Release for misdemeanor referrals and ordinance offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to the station or a jail facility when fingerprinting is not required under Wis. Stat. § 165.83 and Wis. Stat. § 165.84.
- (b) A station or jail release, sometimes called a "book and release" is when a violator is released after being transported to the station or jail and booked.
 - 1. A person taken into custody by this department shall be fingerprinted and photographed in accordance with Wis. Stat. § 165.83 and Wis. Stat. § 165.84.

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408.3.3 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

408.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for municipal traffic violations and minor municipal ordinance violations.

All misdemeanor violations for juveniles shall be documented in a report.

Upon issuing a misdemeanor or municipal citation to a juvenile, this department shall notify the juvenile's parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

408.5 PROHIBITIONS

The release of a suspected offender on a citation is not permitted for violation of protective orders involving or harassment (Wis. Stat. § 813.125(6)).

See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

408.6 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider (Wis. Stat. § 968.085(2)):

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.

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- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) The person is willing to sign the citation.
- (h) The person appears to represent a danger of harm to him/herself, another person or property.
- (i) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the department's policies.

Foreign Diplomatic and Consular Representatives

409.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Wausau Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

409.2 POLICY

The Wausau Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

409.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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409.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers

409.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

409.5.1 TRAFFIC OFFENSES

An officer who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

- (a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.

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- (b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

409.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability

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Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

410.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

410.2 POLICY

The Wausau Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

410.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.

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- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

410.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

410.5 PLANNING

The Patrol Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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410.6 TRAINING

The Training Officer should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Wausau Police Department for investigating and enforcing immigration laws.

412.2 POLICY

It is the policy of the Wausau Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may often be necessary to determine the identity of a victim or witness, employees shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Wisconsin Constitutions.

412.4 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

412.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but remains beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Wisconsin Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion and include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

- (a) An admission that the person entered the United States illegally.

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- (b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.
- (c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.
- (d) Other factors based upon training and experience.

412.4.2 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

- (a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)
- (b) Immigration and Customs Enforcement (ICE)
- (c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, officers should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

412.4.3 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

- (a) Confirm that the detained person's immigration status was properly verified.
- (b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
 - 1. Transfer to federal authorities.
 - 2. Lawful arrest for a criminal offense or warrant.

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into

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the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state or local government entity

412.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.8 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

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- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

Patrol Rifles

413.1 PURPOSE AND SCOPE

The Wausau Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

413.2 PATROL RIFLE

413.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol rifle - An authorized weapon owned by the Department, which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty.

413.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the AR15 .223 caliber Patrol Rifle.

413.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Lead Tactical Instructor, who shall inspect and service each patrol rifle on a periodic basis.
- (b) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
- (c) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (d) Each patrol rifle shall be subject to inspection by a Firearm Armorer or the Lead Tactical Instructor at any time.
- (e) No modification shall be made to any patrol rifle without prior authorization from the Lead Tactical Instructor.

413.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. Officers shall thereafter be required to successfully complete yearly firearms proficiency qualification conducted by a department-approved patrol rifle instructor.

Any officer who fails to qualify within a calendar year will no longer be authorized to carry the patrol rifle without successfully completing remedial training and qualification.

Patrol Rifles

413.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed.

413.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Firearm Discharge Policy.

413.8 SQUAD READY

Any qualified officer transporting a patrol rifle in a squad shall maintain the weapon in a squad ready condition until deployed. A rifle is considered in a squad ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

413.9 RIFLE STORAGE

- (a) When not in-service, patrol rifles will be stored in the department armory or firearm safes.
- (b) The Lead Tactical Instructor will maintain an inventory of the patrol rifle serial numbers and assigned locations.
- (c) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack.

Field Training Officer Program

414.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Wausau Police Department.

414.2 POLICY

It is the policy of this department to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

414.3 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in supervision, training, and evaluation of entry level and lateral police officers in the application of their previously acquired knowledge and skills.

414.3.1 FTO SELECTION

The FTO Supervisor(s) is responsible for coordinating the selection and training of Field Training Officers. Current officers wishing to be considered for Field Training Officer service will:

1. Have a minimum of 2 years of patrol officer experience (prior similar experience with other agencies may be considered/counted).
2. Submit, in writing to the FTO Supervisor his or her request to be assigned as an FTO, with explanation of qualifications and reasons for wanting to serve as an FTO.
3. Have demonstrated ability as a positive role model.
4. Have strong verbal and written communication skills.
5. Have demonstrated commitment to the department's core values.

The FTO Supervisor(s) will solicit input from the supervisor(s) of the officers requesting to serve as an FTO. New FTOs will be selected based on a combination of their qualifications, desire and interest in serving as an FTO, and input/recommendations of supervisors. All selections of new FTOs will be contingent upon the approval of the Patrol Captain. All officers chosen to serve as FTOs will be provided training as directed by the FTO Supervisor before being assigned as an FTO. The FTO Supervisor(s) will also conduct an FTO meeting at least annually, for purposes to include any periodic updates/training in regard to training methods/tools, and FTO discussion of current training processes.

414.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

An FTO Program supervisor will be selected from the Patrol Lieutenants by the Patrol Bureau Commander or the authorized designee and should possess, or have completed supervisory

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and/or leadership training approved by the Wisconsin Department of Justice (WisDOJ) Training Standards Board Career Development Program.

The responsibilities of an FTO Program supervisor include:

- (a) Assign trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor and evaluate individual FTO performance.
- (f) Monitor the overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.

414.5 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Wausau Police Department who, within the time frame established by the Law Enforcement Standards Board (LESB), has successfully completed an LESB-approved basic training course.

414.6 REQUIRED TRAINING

Newly sworn officers shall be required to successfully complete the Field Training Program, which shall have a minimum duration of four weeks for each officer.

The training period for lateral entry officers may be modified depending on the trainee's demonstrated performance and level of experience.

Each new officer will be issued a Field Training Manual at the beginning of his/her field training. The Field Training Manual includes listing of certain policies, procedures, rules and regulations of the Wausau Police Department. This manual is an outline of subject matter and skills necessary to properly function as an officer with the Wausau Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

Over the duration of the Field Training, entry level and lateral entry officers shall be provided and will participate in a variety of assignments to ensure broad experience, to include experiencing a rotation of Field Training Officers, shifts, and geographical sectors within the city.

414.7 EVALUATIONS

Evaluation of trainees is an important component of the training process, and evaluations shall be completed as outlined below.

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Field Training Officer Program

414.7.1 FIELD TRAINING OFFICER RESPONSIBILITIES

- (a) Over the course of the Field Training Program, FTOs are to guide the trainee through the Field Training curriculum, to include review of the Field Training Manual policies and procedures with the trainee, and seeking opportunities for the trainee to apply/demonstrate the learned information, responsibilities, and/or skills.
- (b) FTOs shall complete and submit a written evaluation— Daily Observation Report (DOR)— on the performance of their assigned trainee to the FTO Supervisor for each training day.
- (c) FTOs shall review each day's DOR with the trainee.
- (d) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (e) FTOs shall be responsible for verifying completion of the various topics contained in the Field Training Manual, and evaluating the performance of the assigned trainee in those topics.

414.7.2 FTO SUPERVISOR RESPONSIBILITIES

The FTO Supervisor shall review, assess, and approve all written evaluations of the trainees, including the DORs and end-of-phase reports completed by the FTOs. For each trainee, the FTO Supervisor shall maintain a file of the trainee's field training evaluations and documentation, and documentation/verification that the trainee has successfully completed the required number of hours of field training. The FTO Supervisor will conduct a mid-term and final evaluation of each trainee, with written report as to the trainee's progress and status submitted to the Patrol Captain.

414.7.3 FTO PROGRAM REVIEW

The FTO Supervisor(s) shall meet periodically with the FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Patrol Captain and FTO Program Supervisor(s) will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program.

Aircraft Accidents

415.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents and the responsibilities of personnel, making proper notification and documentation.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft accident - An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage (49 CFR 830.2).

415.2 RESPONSIBILITIES

In the event of an air accident, the employee responsibilities are as follows:

415.2.1 OFFICER RESPONSIBILITIES

Officers should treat an aircraft accident site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordnance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

- (a) Determine the extent of the accident.
- (b) Request additional personnel and other resources to respond as needed.
- (c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
- (d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
- (e) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.
- (f) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.
- (g) Consider implementation of Incident Command System (ICS).

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any accident debris. Photographs or sketches of the original positions should be made whenever practicable.

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The fire department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

Local aviation professionals may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

415.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a accident as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as the NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, it will be removed at the discretion of the pilot or the owner.

415.2.3 DISPATCH RESPONSIBILITIES

The Patrol Lieutenant will request dispatcher make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

- (a) Fire department
- (b) The affected airport tower
- (c) Closest military base if a military aircraft is involved
- (d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel, the Patrol Lieutenant should ensure the dispatcher receiving such information verifies that the tower personnel will contact the Wisconsin Department of Transportation Bureau of Aeronautics, Federal Aviation Administration (FAA) Flight Standards District Office and the NTSB. In the event

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that airport personnel are not involved, the Patrol Lieutenant should ensure the dispatcher notifies the Wisconsin Department of Transportation Bureau of Aeronautics, the FAA and the NTSB.

415.2.4 PATROL BUREAU COMMANDER RESPONSIBILITIES

The Patrol Bureau Commander is responsible for the following:

- (a) Forwarding and maintaining an approved copy of the report to the Wisconsin Department of Transportation Bureau of Aeronautics.
- (b) Forwarding a copy of the report to the manager of the affected airport.

415.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Police Department Public Information Officer is responsible for the following:

- (a) Obtaining information for a press release from the on-scene commander or the authorized designee.
- (b) When practicable, the Department Public Information Officer should coordinate with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

415.3 DOCUMENTATION

Any aircraft accident within the City, regardless of whether injuries or deaths occur, shall be documented.

Air Support

416.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

416.2 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Lieutenant or the authorized designee will call the closest agency having air support available. The Patrol Lieutenant will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits
- (f) Pre-planned events or actions that require air support
- (g) When the Patrol Lieutenant or equivalent authority determines a reasonable need exists

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

Detentions, Contacts and Photographing Detainees

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available at the time of the detention.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement (Wis. Stat. § 968.24).

Consensual encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Consensual search - A search performed by an officer following the voluntary consent of the person being searched, or the person having control of the place or item being searched.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions (Wis. Stat. § 968.24).

Field photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - This is a limited type of search, often referred to as a "frisk", used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the an officer, the detainee or others (Wis. Stat. § 968.25).

Reasonable suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity (Wis. Stat. § 968.24).

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Detentions, Contacts and Photographing Detainees

417.2 POLICY

The Wausau Police Department respects the rights of the members of our community to be free from unreasonable detentions or searches. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the officer based on the totality of the circumstances and officer safety considerations.

417.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

- (a) The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect that suggest he/she is engaged in a criminal activity.
- (c) Whether the hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

417.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Wausau Police Department to strengthen community involvement, community awareness and problem identification.

417.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

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

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1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

417.3.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

417.4 CONSENSUAL SEARCHES

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows:

- (a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.
- (b) The person is informed that he/she is being asked to voluntarily consent to a search.
- (c) The person voluntarily provides consent.

When asking for consent, officers should explain the scope of the search. Officers should stop a consent search if the person withdraws consent.

Officers should, whenever practicable, obtain written or recorded verbal consent.

417.5 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.

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- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

When reasonably possible, pat-down searches should be performed by officers of the same gender as the suspect.

Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the Wausau Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Intelligence - Information regarding individuals or activities suspected of or known to be criminal in nature that present a threat to the community. Typically, these include such activities as:

- (a) Organized crime activities
- (b) Vice and drug activities
- (c) Organized civil disorders
- (d) Acts of terrorism
- (e) Criminal conduct or activities that could present a threat to the community

Criminal Intelligence System - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The collection, processing and dissemination of intelligence information is essential to effective law enforcement. Areas of concern typically include organized criminal activities, subversive activities, vice activities, terrorism, and civil disorders and protests which will likely include criminal conduct. The process of gathering and properly disseminating intelligence information will serve to increase the effectiveness of all aspects of the department by identifying criminal conduct and activities that present a danger or threat to the community's safety and security.

Intelligence information that is collected shall be limited to criminal conduct and activities that present a threat to the community. Intelligence information will not be collected or maintained concerning the political, religious or social views of any individual or group, unless that information directly relates to criminal conduct or activity and there is a reasonable suspicion that the subject of the information may be involved in criminal conduct or activity. Officers gathering intelligence information will ensure the legal rights and privacy of those involved is not violated by following the guidelines in 28 CFR, Part 23, Section 23.3 - "data which has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity..."

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

Criminal Organizations

418.3 CRIMINAL INTELLIGENCE MANAGEMENT RESPONSIBILITY

It is generally the function of the Investigations Division and Community Resource Unit to analyze and manage data that has been collected where it relates to crime. The Investigation Division Captain and Community Resource Unit Lieutenant will ensure that timely and appropriate intelligence information that is learned from within the department and other agencies is disseminated to the department. This does not prohibit any supervisor from disseminating time-sensitive criminal intelligence pertaining to criminal conduct or activities that present a threat to the community.

418.4 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

The Investigations Division Captain will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

418.4.1 SYSTEM ENTRIES

It is a supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. Files may not be purged without the approval of the Investigations Division Captain.

Intelligence information shall be kept separate from other records.

418.5 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved

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CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.5.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must be authorization by the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

418.5.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.6 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

418.7 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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Criminal Organizations

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.8 CRIMINAL STREET GANGS

The Detective Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

418.9 TRAINING

The Department should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Patrol Lieutenants

419.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

419.2 DESIGNATION AS ACTING PATROL LIEUTENANT

When a Lieutenant is unavailable for duty as Patrol Lieutenant, the on-call commander will be immediately notified to either head the watch or identify a lieutenant to head the watch.

Mobile Audio Video

420.1 PURPOSE AND SCOPE

The Wausau Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Wausau Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

At or near the end of an officer's shift, the officer shall upload or transfer the MAV files to the Department server. If the officer is unable to upload or transfer the files by the end of their shift, the officer shall notify the shift supervisor.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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Mobile Audio Video

420.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The MAV system may also be activated manually in the squad or remotely from the microphone the officer is wearing.

420.4.1 REQUIRED ACTIVATION OF THE MAV

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts or times when an officer is out of their squad car and in official contact with the public.

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations.

420.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements.
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) By a supervisor to assess officer performance.
- (d) To assess proper functioning of MAV systems.
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.

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- (f) By department personnel who request to review recordings.
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee.
- (j) To assess possible training value.
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

420.6 DOCUMENTING MAV USE

Officers will note in incident, arrest, and any related reports when video/audio recordings were made during the incident in question.

Officers will "bookmark" the recording in the following situations :

- a. Traffic stops resulting in citations or written warnings.
- b. Criminal investigations or interviews with evidentiary recordings.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 90 days and disposed of in compliance with the established records retention schedule. Uploading of recordings to the department server supercedes media retention requirements.

420.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Upon proper request, a copy of the original recording will be made for use as authorized in this policy.

420.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Wausau Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

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Mobile Audio Video

420.8 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Digital Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

421.2 POLICY

Wausau Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Lieutenants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages

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that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Lieutenant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Lieutenant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall

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be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Wausau Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Wausau Police Department will provide members with access to portable audio/video recording devices, including Body Worn Cameras (BWC) for uniformed members, for use during the performance of their duties. In this policy, "BWC" refers to the particular BWC model provided for uniformed personnel: Taser Axon Body 2. The use of recorders, including BWC's, is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, WPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not

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required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

422.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

Uniformed members shall activate the BWC during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Except as provided below, once started, recordings should continue without interruption until the contact ends.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

422.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

422.5.2 CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the uniformed member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity within a call/incident; the following are examples:

- (a) report writing.

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- (b) while in a medical facility, waiting for a person in custody to be medically cleared; however, the BWC should be re-activated if/when the need for contact with the person again arises.
- (c) other extended breaks from direct participation in the incident or contact with involved persons.

Other instances where an Officer may cease a recording include:

- (a) while conferring with other Officers/supervisors regarding strategies or tactics of a call.
- (b) where an informant or citizen requests the recording device be turned off before providing information.

When a BWC recording is stopped prior to completion of the incident, the Officer shall document the reason for stopping the BWC recording.

422.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Lieutenant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

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- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

422.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

While recordings obtained from BWC's provide an objective record of these events, it is understood that BWC recordings (or video from any other recording device) do not necessarily reflect the experience or state of mind of the individual Officer(s) in a given incident. Moreover, video cameras have limitations and recordings may depict events differently than the events recalled by the involved Officer(s). Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved Officer(s) and may not capture information observed by the Officer(s).

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, for training purposes, or for reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy).

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Portable Audio/Video Recorders

422.9 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

422.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

422.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Bicycle Patrol Unit

423.1 PURPOSE AND SCOPE

The Wausau Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

423.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer's mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Patrol Lieutenant.

423.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to their supervisor.

423.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Patrol Bureau Commander or the authorized designee shall oversee the bicycle patrol program.

The Bicycle Patrol Unit coordinators responsibilities include:

- (a) Organizing bicycle patrol training
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment
- (c) Scheduling maintenance and repairs
- (d) Evaluating the performance of bicycle officers
- (e) Coordinating activities with the Patrol Bureau
- (f) Other activities as required to maintain the efficient operation of the unit

423.4 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive periodic in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

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Bicycle Patrol Unit

423.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle uniform consists of department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

423.6 CARE AND USE OF PATROL BICYCLES

- (a) Officers will be assigned a specially marked and equipped patrol bicycle.
- (b) Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps. Lamps and reflectors must meet legal requirements (Wis. Stat. § 346.03(4m)).
- (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, including report writing, vehicle storage and citations.
- (d) Each bicycle may be equipped with a steady or flashing red and blue warning light that is visible from the front, sides or rear of the bicycle. This lighting may be used at the officer's discretion.
- (e) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
- (f) Each bicycle will have scheduled maintenance once yearly, to be performed by a repair shop/technician that is approved by the Department.
- (g) Bicycles shall be properly secured when not in the officer's immediate presence.

423.7 OFFICER RESPONSIBILITIES

Officers must operate the bicycle in compliance with Wisconsin law under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to an officer when operating an authorized

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Bicycle Patrol Unit

emergency vehicle do not provide relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

Officers are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

- (a) In response to an emergency call
- (b) While engaged in rescue operations
- (c) In the immediate pursuit of an actual or suspected violator of the law

Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

424.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

424.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with Dispatch or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

424.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

424.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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Foot Pursuits

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

424.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, Dispatch is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Patrol Lieutenant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

424.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Foot Pursuits

Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Wausau Police Department recognizes that members of the homeless community are often in need of special protection and services. The Wausau Police Department will address these needs in balance with the overall mission of this department.

425.1.1 POLICY

It is the policy of the Wausau Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

425.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

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Homeless Persons

425.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property. The department's off-site storage facility (e.g. DPW garage) should be utilized for storage/safekeeping of such property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to a supervisor.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the supervisor to determine the course of action.

425.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

425.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

426.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

426.2 POLICY

The Wausau Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

426.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

426.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

426.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

426.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations, as well as gatherings that result in civil disturbances and/or mass arrests. The magnitude/scope of such activities frequently require additional personnel in order to ensure public and personnel safety, and therefore response considerations include the **Emergency Mobilization Plan (Chapter 202)**.

427.2 POLICY

The Wausau Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disturbances, disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest and the device(s) are seized for evidentiary purposes.

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Supervisors should continually observe members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 RESPONSE TO CIVIL DISTURBANCES

Civil disturbances include riots, disorders, and acts of violence or potential violence arising from large gatherings (such as concerts, political conventions, demonstrations, festivals or labor disputes) by reason of misconduct, criminal behavior, or aggressive/dangerous actions, which endanger public peace and safety.

When responding to a public gathering that has transformed into a civil disturbance, the first responding Officer(s) should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Type, level of unlawful or disruptive activity

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested if needed, up to and including use of the **Emergency Mobilization Plan (EMP) (See Chapter 202)**, depending on the magnitude and nature of the circumstances. The responding supervisor shall assume command of the incident until command is expressly assumed by another and communicated to the involved members.

427.5 PLANNED EVENT PREPARATION

For planned events, in particular where civil disturbances are anticipated, comprehensive, incident-specific operational plans should be developed, with consideration of the **Emergency Mobilization Plan (Chapter 202)**.

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427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be considered.

The following are planning considerations:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related special equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with City government and District Attorney's office
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Member review of this policy and use of force policy
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests

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- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group. Other forms of de-escalation to consider: remove/isolate persons precipitating disorder, remove/neutralize group leader(s), fragment the crowd into smaller groups.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

The Department should respond to unlawful behavior in a manner that is consistent with the operational plan if a plan is in place. Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or

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arrest of those acting in violation of the law). If practicable, warnings or advisements should be communicated prior to arrest. Control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of TASER Device must conform to the Conducted Energy Device Policy.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 MASS ARRESTS

Limited arrests as needed/warranted is encouraged as a form of de-escalation. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee; and to ensure sufficient personnel, should only be undertaken within implementation of the **Emergency Mobilization Plan (Chapter 202)**. There must be probable cause for each arrest.

Considerations when mass arrests are employed:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Designate separate personnel for arrest, transport, and booking.
- (c) Timely access to medical care.
- (d) Accountability for arrestees and evidence.
- (e) Coordination and cooperation with the District Attorney's Office and the Marathon County Sheriff's Department - Corrections.

427.9 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports.

Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the Wausau Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Wisconsin law.

428.2 POLICY

The Wausau Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

428.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

428.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

428.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

428.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphpered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

429.2 POLICY

The Wausau Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.3 RESPONSIBILITIES

The Chief will designate a bureau commander to manage SAR activities. The responsibilities of the designated bureau commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

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- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Detective Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

Crisis Intervention Incidents

430.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

430.2 POLICY

The Wausau Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Bureau Commander to collaborate and coordinate services with mental health professionals.

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) Attempt to determine if weapons are present or available.
- (d) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (e) Secure the scene and clear the immediate area as necessary.
- (f) Employ tactics to preserve the safety of all participants.
- (g) Determine the nature of any crime.
- (h) Request a supervisor, as warranted.
- (i) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

430.6 DE-ESCALATION

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.

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- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

430.7 SUPERVISOR RESPONSIBILITIES

In the event they are requested to respond to the scene of any interaction with a person in crisis, responding supervisors should consider the following:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

430.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

430.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

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- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the Wausau Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person *who is not in custody* refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

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In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person *who is in custody* requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person. If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

Arrestees who appear to have a serious medical issue should be transported by ambulance.

431.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes or locations of complaints is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator's socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are inappropriate factors to consider when making violation enforcement decisions. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy.

Officers shall have discretion in determining the type of enforcement action to be applied. The following criteria shall be considered when determining a level of enforcement:

- (a) Weather, condition of the roadway, volume of other traffic and the presence of pedestrians in the area.
- (b) Was the violation intentional or inadvertent?
- (c) The seriousness of the violation to include whether or not the violation may have resulted in injury and/or property damage; and the extent of any injury and/or property damage.
- (d) Does the enforcement action protect the interests of other persons or drivers involved in the incident?

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- (e) Does the enforcement action accomplish a legitimate police purpose?
- (f) Has the violator committed similar violations in the past?
- (g) In the officer's judgment, will the proposed enforcement action be sufficient to deter the violator from committing similar violations in the future?

The guidance to officers in this procedure is intended to assist officers in exercising that discretion in a fair and effective manner. Types of enforcement action include:

- (a) Verbal Warning
- (b) Written Warning
- (c) Citation
- (d) Custodial Arrest

500.3.1 VERBAL WARNINGS

Verbal warnings are the least severe enforcement action. This action would be appropriate in cases involving very minor and inadvertent traffic law or equipment violations. The officer should be satisfied the person will not repeat the violation and no further enforcement action is required. While verbal warnings are an acceptable enforcement action, it is preferred that a written warning be issued rather than a verbal warning.

500.3.2 WRITTEN WARNINGS

This type of enforcement action would be appropriate in cases where the officer believes the violation by the motorist was inadvertent and/or does not constitute a serious infraction and the officer further believes a written warning will serve to deter future similar violations.

500.3.3 CITATIONS

Traffic citations are appropriate for more serious infractions, intentional violations, violations resulting in injury or property damage and for most infractions that are determined to be the cause of a traffic collision. Citations may also be appropriate, even for minor infractions, when the violator's prior traffic history or the violator's demeanor with the officer indicates that a written warning would have little impact on deterring future traffic violations of a similar nature.

Under certain conditions, a municipal citation may be used for a traffic enforcement action when the motor vehicle incident is not regulated by the use of the uniform traffic citation.

The City of Wausau parking citation is to be used when enforcing non-moving parking violations.

Although a uniform traffic citation may be used for specific parking violations, it is department policy to issue an ordinance parking citation.

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

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500.3.4 INFORMATION PROVIDED TO VIOLATOR

It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers shall provide the following information at a minimum (Wis. Stat. § 345.27):

- (a) Explanation of the violation or charge (Wis. Stat. § 345.27):
 - 1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect.
 - 2. That demerit points may be assessed against the person's driving record for the offense.
 - 3. The number of demerit points that is cause for revocation or suspension.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.

500.3.5 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses (Wis. Stat. § 345.22). These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular homicide.
- (b) Operating a vehicle while under the influence of alcohol/drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.
- (e) Inability to positively identify the violator, the violator has no permanent address or ties to the community, or the violator is an out-of-state resident with extenuating circumstances.

500.4 SPECIAL CATEGORIES OF VIOLATORS

This section establishes procedures for handling traffic law violations committed by:

- (a) Non-residents
- (b) Juveniles
- (c) Legislators, foreign diplomats and consulate officers
- (d) Military personnel

500.4.1 NON-RESIDENTS

Generally, officers will not accept bond payments associated with forfeiture violations. If extenuating circumstances exist, the officer shall consult with his/her supervisor.

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For non-residents who commit a criminal traffic offense, the decision to arrest should in part be based upon the likelihood the offender will appear in court. If the officer is not satisfied that the offender's future appearance in court is likely, he/she should consider a custodial arrest. Officers will not accept bond payments personally in lieu of arrest.

500.4.2 JUVENILES

The following guidelines pertain to traffic law violations committed by juvenile offenders:

- (a) Juveniles must be at least 12 years of age in order to be issued a uniform traffic citation.
- (b) Civil traffic violations (Section I of the bond schedule) for offenders aged 12-17 should be cited using a uniform traffic citation and routed to municipal court. A traffic appearance in municipal court for said persons is mandatory.
- (c) Juveniles 16 years or older shall be treated as adults when they have committed a Section II criminal traffic offense. Violators should be cited using a uniform traffic citation and routed to circuit court. In most instances, an incident/offense report should be completed for these offenses.
- (d) Juveniles 12-15 years of age committing a Section II criminal traffic offense should be issued a uniform traffic citation. The case should be referred to Children's Court Services. A court date should not be indicated on the citation. In most instances, an incident/offense report should be completed for these offenses.
- (e) Officers shall complete an incident/offense report for traffic violations committed by juveniles under the age of 12. The report shall be forwarded to Children's Court Services.
- (f) A juvenile must be at least 15 years or older in order to be released, unaccompanied and on their own recognizance, by the officer after being issued a citation. If the juvenile is 14 or younger, he/she can only be released to a responsible adult, preferably a parent.

500.4.3 LEGISLATORS, FOREIGN DIPLOMATS AND CONSULATE OFFICERS

The following guidelines pertain to traffic law violations committed by legislators:

- (a) Legislators will not receive special treatment. To avoid conflicts, an officer may refer the case to a prosecutor.

Guidelines pertaining to traffic law violations committed by foreign diplomats or consulate officers are included in Policy 409 - Foreign Diplomatic and Consular Representatives.

500.4.4 MILITARY PERSONNEL

The following guidelines pertain to traffic law violations committed by military personnel:

- (a) Military personnel acting within the performance of their duty may be cited and released for traffic violations.
- (b) If an active member of the armed forces, acting within the scope of their employment, is involved in an accident resulting in death or injury requiring hospitalization, the armed forces member's military unit will be notified as soon as possible if they have not been informed by other means.

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500.5 UNIFORM ENFORCEMENT FOR SPECIFIED VIOLATIONS

The intent of this section is to help guide officers in making the final decision on the type of enforcement action to be taken based on department philosophy and the officer's training, experience, judgment and first-hand knowledge of the facts of the case. Changing driving behavior is the main purpose of traffic law enforcement. The list of violations included in this section are as follows:

- (a) Speed violations and other hazardous violations.
- (b) Non-hazardous violations.
- (c) Operating while revoked or suspended.
- (d) Vehicle equipment violations.
- (e) Public carrier/commercial vehicle violations.
- (f) Multiple violations.
- (g) Off-road vehicle violations.
- (h) Newly enacted laws and/or regulations.
- (i) Violations resulting in traffic crashes.
- (j) Pedestrian and bicycle violations.

500.5.1 SPEED VIOLATIONS AND OTHER HAZARDOUS VIOLATIONS

The following guidelines are intended to provide guidance to officers for uniform enforcement of speeding violations. The final determination of whether a particular violation should result in a warning or a citation is left with the sound discretion of the officer initiating the enforcement action based on all factors known to the officer at the time of the traffic stop.

Speed violations may be enforced by use of either speed detection devices or vehicle paces with squad cars.

- (a) Officers using speed detection devices shall be currently certified by the State of Wisconsin in the use of these devices.
- (b) Officers conducting paces of speeding vehicles shall attempt to pace the vehicle for approximately 1/10th of a mile while neither gaining or losing distance from the paced vehicle.

Squad paces resulting in arrest action shall require the officer to test the accuracy of the squad speedometer against a police radar immediately after the enforcement action as follows:

- (a) The arresting officer shall operate the squad car through a speed detection zone that has been set up by another officer, recording the test results in the narrative of the arrest citation.
- (b) The squad's speedometer shall be tested at the speed of the violation and 10 MPH above and below the speed of the violation.

General guidelines for speeding enforcement are as follows:

- (a) Speed violations of 1 - 9 MPH should generally result in warnings.

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- (b) Speed violations of 10 - 14 MPH may result in either a written warning or citation depending on the conditions, environment and the offender's prior driving record, including prior warnings.
- (c) Speed violations of 15 MPH or more should generally result in the issuance of a citation, except in unusual conditions.

Other hazardous violations including, but not limited to, offenses involving excess speed, disregard of traffic signs or signals, alcohol offenses involving the use of a vehicle, reckless driving, and attempting to elude an officer should be vigorously enforced to address the violation, but also to create a public impression of active traffic law enforcement activity that encourages voluntary compliance with all traffic regulations.

500.5.2 NON-HAZARDOUS VIOLATIONS

Non-hazardous violations including, but not limited to, equipment violations, parking, licensing and registration should be vigorously enforced to address the violation, but also to create a public impression of active traffic law enforcement activity that encourages voluntary compliance with all traffic regulations.

500.5.3 OPERATING WHILE REVOKED OR SUSPENDED

The following guidelines pertain to persons found operating a motor vehicle while revoked or suspended:

- (a) The operating status of all motorists stopped for any traffic or equipment violation shall be checked through the Wisconsin DOT system at the time of the stop, assuming the driver's records are available, or as soon thereafter as possible.
- (b) Generally, a driver's status report of "revoked" or "suspended" from the DOT's driver's record files, coupled with either the officer's observation of operation of a vehicle, or based on reputable "information and belief" is probable cause to issue a citation for OAR or OWS.
- (c) All OWS violations are civil actions. Offenders need only be issued the traffic citation and may be released from the traffic stop.
- (d) As of July 1, 2009, all OAR violations may either be civil or criminal, depending on the reason a person has a revoked status. If the revoked status results from an OWI type conviction counted under s. 343.307(2), the OAR is criminal. If the status is revoked for another reason, the OAR is civil. If an enforcement officer makes a traffic stop and the record check indicates the status of a person's operating privilege is revoked, the officer/dispatcher should use the following steps to determine if an OAR charge is civil or criminal:
 - (a) Locate the most recent reinstatement entry on the driver record. If the record does not have a reinstatement entry, scan the entire record.
 - (b) If any of the entries added after the most recent reinstatement entry are based on one of the following charge codes, the new OAR charge is criminal:
 1. OWI, PAC, CWI, HWI, IC, CIC, HIC, OII, CII, HII, OCS, CCS, HCS, GBH, CBH, HBH, NHI, CHI, HHI, CAD, HAD, CAH, HAH, CA, HCA, CAI, HAI, NCI, NCP, NCA.

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- (c) If all of the entries added after the most recent reinstatement entry are based on other charge codes, such as OAR, FSA, AEO, OWS, etc, the new OAR charge is civil.
- (e) Officers shall not permit continued operation of the motor vehicle by the offender, but may permit operation by another person who is validly licensed and at the scene. The vehicle does not have to be towed as the vehicle is being left in the custody of the person cited. Upon request of the operator, officers shall make arrangements to tow the vehicle.

500.5.4 VEHICLE EQUIPMENT VIOLATIONS

The following guidelines pertain to uniform enforcement of equipment violations:

- (a) Violations of ch. 347, Wis. Stats., Trans 305 and city ordinances relating to vehicle equipment should generally be addressed with a written warning or "fix-it ticket."
- (b) When a "fix-it ticket" is issued, individuals who fail to take corrective action within the allotted time frame shall be issued a uniform traffic citation for the equipment violation.
- (c) Officers may issue a written warning, fix-it ticket or traffic citation, at their discretion, for modifications of vehicle equipment clearly in violation of equipment laws or regulations.
- (d) A uniform traffic citation may be issued when defective equipment was a contributing cause of a motor vehicle crash and the operator had prior knowledge of the defect.

500.5.5 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

The following guidelines pertain to uniform enforcement of public carrier and commercial vehicle violations:

- (a) The enforcement of traffic laws applies equally to public carriers and commercial vehicles.
- (b) Officers should attempt to expedite enforcement actions when dealing with a public carrier so as not to unduly delay the passengers. When it becomes necessary to temporarily detain the operator, transport arrangements should be made for the passengers.
- (c) Officers shall make a reasonable effort to ensure that valuable cargo of commercial vehicles is protected or arrangements are made if the operator is to be detained.

500.5.6 MULTIPLE VIOLATIONS

The following guidelines pertain to uniform enforcement of multiple violations:

- (a) Incidents involving multiple violations that form an all-inclusive charge such as eluding, reckless driving, or OMVWI should not result in individual charges for all violations when the greater charge is also issued.
- (b) License and registration violations discovered during the course of a traffic stop for a moving violation, such as speeding, may be charged in addition to the violation leading to the traffic stop at the discretion of the officer.
- (c) Officers have the discretion whether to issue multiple citations for multiple violations from the same incident. However, as a general guideline, officers should issue a citation or citations for the more serious violation(s) and give written warnings for the lesser violations.
- (d) Officers should document lesser violations on the more serious charged offense case report.

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500.5.7 OFF-ROAD VEHICLE VIOLATIONS

The following guidelines pertain to uniform enforcement of off-road vehicle violations:

- (a) Officers should take appropriate enforcement action for violations committed by operators of off-road recreational vehicles that are observed and/or reported to them.
- (b) Some of the more common violations involving off-road vehicles include:
 - 1. Licensing, registration, and equipment violations.
 - 2. Illegal operation on roadways.
 - 3. Illegal operation on public or private property.
- (c) Officers shall be familiar with regulations that are applicable to off-road vehicles. Municipal ordinance 10.42 defines and regulates off-road vehicle operation in the City of Wausau.

500.5.8 NEWLY ENACTED LAWS AND/OR REGULATIONS

The following guidelines pertain to uniform enforcement of newly enacted laws and/or violations:

- (a) Officers should use sound discretion when enforcing newly enacted or amended traffic regulations.
- (b) After the enactment or amendment of a traffic law or regulation, officers should issue warnings for violations for a period of thirty (30) days if it appears the public may not be familiar with the new law or amendment.
- (c) This section does not prevent an officer from taking more stringent enforcement action if the officer is satisfied the offender was aware of the new law or amendment and deliberately violated the section or if the violation is of such a hazardous nature, stronger enforcement action is necessary to address the violation.

500.5.9 VIOLATIONS RESULTING IN TRAFFIC CRASHES

The following guidelines pertain to uniform enforcement of violations resulting in traffic crashes:

- (a) Special requirements arise when officers detect certain violations not committed in their presence, such as vehicular and traffic violations uncovered during the course of accident investigation and reporting.
- (b) Officers are expected to take positive enforcement action whenever their traffic accident investigation or reporting activities produce probable cause to believe that a violation of law or ordinance has occurred.
- (c) Specific enforcement actions arising from traffic accident investigation or reporting, e.g., physical arrest, citation, warning, etc., will be consistent with the nature of the alleged violation.
- (d) In taking any positive action, the officers must establish all elements of the violation. The investigations may include but is not limited to:
 - 1. Statements or admissions made by the alleged violator.
 - 2. Statements of witnesses.
 - 3. Accident scene measurements.

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4. Physical evidence.

500.5.10 PEDESTRIAN AND BICYCLE VIOLATIONS

The following guidelines pertain to uniform enforcement of pedestrian and bicycle violations:

- (a) The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual officers. With regard to pedestrian traffic laws, the “spirit” of the law should supersede the “letter” of the law and application be made accordingly.
- (b) In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles should be strictly enforced.
- (c) On those arteries with a substantial flow of vehicular traffic, and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws should be enforced.
- (d) Generally, the department’s municipal citation should be used for enforcement violations of bicycle laws and ordinances. Violators twelve (12) years of age and older may be issued a municipal citation. State law does allow the Uniform Traffic Citation to be used for citing those persons sixteen (16) years and older and is an available option.
- (e) Generally, violators under the age of twelve (12) should be counseled and advised by the officer as to the proper bicycle operation and as to the potential hazards of not complying with the traffic regulations pertaining to bicycle operations.

500.6 TRAFFIC STOPS AND APPROACH TO VIOLATOR'S VEHICLE

This section provides procedures for stopping and approaching vehicles, to include:

- (a) Approach contacts.
- (b) Non-approach contacts.
- (c) High-risk contacts.

500.6.1 LEGAL JUSTIFICATIONS FOR VEHICLE CONTACTS

The following are legal justifications for the initiation of a vehicle contact:

- (a) Reasonable suspicion for a traffic or equipment violation.
- (b) Probable cause to arrest the driver or passenger for a crime.
- (c) Reasonable suspicion that a driver or passenger has committed, is committing, or is about to commit a crime.
- (d) A motorist is in need of aid.

500.6.2 APPROACH CONTACTS

Approach contacts are those that do not appear to pose a higher-than-normal risk of danger to the officer. The officer therefore feels relatively safe in approaching the vehicle to speak to the driver. Vehicle contacts for minor violations typically fall into this category.

The following guidelines shall be followed when initiating a traffic stop:

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- (a) Officers identifying a traffic violator should evaluate and determine the safest area to conduct a vehicle stop; being cognizant of the availability of cover and/or concealment.
- (b) Officers should attempt to avoid conducting a vehicle stop on private property, hill crests, curves, road terrain/construction areas, intersections, high density traffic areas, and areas with little or no light.
- (c) Prior to initiating the vehicle contact or approaching the suspect vehicle, officers should provide the following information to the dispatch center:
 - 1. License number of the vehicle. A description of the vehicle should be provided in cases where a license plate is not displayed or the officer has knowledge that the displayed license plate is not associated with the stopped vehicle.
 - 2. Location of the stop.
- (d) Emergency lighting alone may be used to effect a simple traffic stop. However, the siren should be activated if the target vehicle fails to respond, increases speed or otherwise fails to obey the initial signal to stop.
- (e) Alternating headlights and any other warning devices may be used in conjunction with, but not in lieu of, authorized emergency lighting or equipment.
- (f) "Take-down" spotlights, side "alley" lights and permanent mounted or hand-held spotlights may be used by officers at their discretion for visibility purposes but should not be used so as to blind or obstruct the vision of other motorists.
- (g) Public address systems on police vehicles may be used by officers at their discretion for enhanced communications over distances, if necessary.

One of three basic options for vehicle positioning should be used during traffic stops; the offset position, the angle left position or the in-line position. The officer shall make the decision on vehicle positioning based on overall safety considerations. Generally, officers shall position their vehicle at a minimum distance from the violator's vehicle of 15 feet.

- (a) **Offset** - In the offset position, the subject vehicle is stopped on the shoulder or next to the curb, and the squad car is offset to the left so that the left rear corner of the subject vehicle is even with the center of the squad. The purpose for offsetting the squad car rather than parking directly behind the subject vehicle is to provide the officer with a safety lane for walking up to and contacting the driver, if the officer chooses the left-hand approach. The disadvantage of the offset position is that the squad car does protrude into the traffic lane. That either makes the lane unusable by other traffic, or, if the lane is wide enough, may encourage other traffic to "squeeze by" putting the officer at risk of injury.
- (b) **Angle-Left** - In the angle-left position, the squad car is angled slightly toward the roadway rather than being parallel to the subject vehicle. This position also provides a safety lane for a left-hand approach but also provides the officer with some cover when he or she is getting out of the squad. The angle places a portion of the car (and engine block) between the officer and the subject vehicle. One disadvantage of this position is that the squad car's headlights may blind oncoming drivers, particularly at night, and especially if the headlights flash between high and low beams. At the same time because the squad car is angled, its emergency lights are less visible from the rear and its headlights and take-down lights are less able to illuminate the subject vehicle.

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- (c) In-Line - The in-line position, in which the squad car is positioned directly behind the subject vehicle, with no offset or angle, is used only when conditions preclude using one of the preferred positions. An example might be a high-traffic city street at rush hour, when either of the preferred positions would increase congestion by blocking a lane. The in-line position provides no safety lane for the officer using a driver side approach. A passenger side approach would be a better option.

When approaching the violator's vehicle, an officer shall:

- (a) Approach the violator's vehicle with caution, watching for suspicious or sudden movement in the vehicle. If two officers are approaching the vehicle, one should be on either side of the violator's vehicle.
- (b) Maintain a "position of advantage," most commonly by positioning him/herself slightly behind the driver's door. The officer should carefully survey the interior of the violator's vehicle as they approach.
- (c) Conduct wanted and status checks of the operator and any passengers for which the officer has identifying information.
- (d) Maintain frequent visual contact with the vehicle and occupants while completing the warning or citation.

500.6.3 NON-APPROACH CONTACTS

Non-approach contacts are those in which the officer does not feel safe in approaching the vehicle, but instead chooses to take other action, such as directing the driver to step out of the vehicle and move to a different location for contact. Or the officer may choose simply to wait until backup has arrived before making contact.

The steps to follow in conducting a non-approach vehicle contact are generally the same as for an approach contact, but some aspects differ. Specifically, an officer may handle the following differently:

- (a) Vehicle Position
 - 1. An officer may wish to alter the position of his/her squad car. The officer may choose to use the angle-left position rather than the offset to provide more cover. Alternatively the officer may use the offset position but put more distance between the squad and the subject vehicle. Greater distance gives the officer more opportunity to react to the subject's actions—but it also makes it somewhat harder to see what the subject is doing.
- (b) Officer Position
 - 1. In a non-approach contact, the officer may initially remain in his/her squad car and use the PA system to give directions to the subject. Alternatively, the officer may decide to get out of his/her car and use voice commands or hand signals to direct the driver's actions. Remaining in the squad car gives the officer less mobility but more cover—and the ability to move the car. Getting out makes it easier for the officer to see what is going on in the subject vehicle, but it also makes it easier for the subject

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to see the officer. If the officer does leave the squad car, officers should make use of available cover.

(c) Subject Interview

- (a) In a non-approach contact, the officer will typically direct the driver to get out of the vehicle and go to a specific location where the officer will interview the subject(s). In some cases the officer may simply direct the driver or other occupants to remain in the vehicle until back-up arrives and then direct him/her to the interview location.
- (b) Officers should abide by the following guidelines:
 - (a) Direct the subject to the chosen interview location. This should be somewhere out of traffic where the officer can maintain a clear view of both subject and vehicle.
 - (b) Avoid placing the subject or yourself between the stopped vehicle and your squad car—a passenger could put the car in reverse, putting you in danger.
 - (c) Avoid placing the subject between you and your squad car door—he or she could get in, possibly gaining access to weapons or even driving away.
 - (d) Stand with the subject facing you with his or her back to the stopped vehicle. That way you can watch both the person and the vehicle during your interview.

Most of the vehicle contacts an officer makes will be approach or non-approach contacts. The decision to use one or the other depends on the officer's tactical evaluation. If conditions change, an officer can move from one to the other—or even escalate to a high-risk contact.

500.6.4 HIGH-RISK CONTACTS

In some cases an officer's tactical evaluation and threat assessment may indicate a high enough level of danger that he/she may choose to make the contact following the procedure for a high-risk contact. In a high-risk contact, an officer does not approach the vehicle until all subjects have been ordered out—at gunpoint—and secured. High-risk vehicle contacts require multiple officers functioning in a coordinated effort. Things that will be considered when choosing to make a high-risk contact are:

- (a) Nature of offense.
- (b) Occupants with warrants for violent offenses.
- (c) Pursuits.
- (d) Occupant's with violent history.

When an officer has decided to handle the contact as a high-risk contact, he/she will follow a six-step process:

- (a) Report location and vehicle information to dispatch and request back-up.
- (b) Coordinate other responding officers.
- (c) When other officers are in position, make the stop.

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1. Try to pick a location that allows the squads to be positioned properly and minimizes the exposure of the public to potential hazards.
- (d) Position law enforcement vehicles properly.
1. In a high-risk vehicle contact, the squads should be placed approximately 50 feet away from the subject vehicle.
- (e) Using the P.A., order occupants out one at a time and secure them.
1. When the contact officer has made sure that everyone is in position and ready (including having all appropriate equipment available), he or she should use the P.A. system or voice contact to order the driver and passengers out of the car one at a time. Only the contact officer should direct subjects out of the vehicle. Generally, the communication will follow this sequence:
 - (a) Identify yourself as a law enforcement officer and direct the subjects to place their hands where you can see them.
 - (b) Direct the driver to open the window and turn off the car.
 - (c) Direct the driver to turn on the dome light and turn off the radio.
 - (d) Direct occupants to release their seat belts and immediately return their hands to a visible position.
 - (e) Direct the driver to remove the keys and show them with both hands extended through the open driver's side window. The driver shall be directed to either place the keys on the roof of the vehicle, bring them back with him/her when ordered out of the vehicle, or toss the keys on the ground a short distance from the vehicle.
 - (f) Order the occupants out and secure them, beginning first with the operator. The contact officer will request the operator/occupant to:
 1. Keep both hands out of the window, open the door with the outside handle, and push the door open with his or her foot.
 2. Step out of the vehicle, face away from the squads, and raise his or her hands as high as possible.
 3. Take two or three steps sideways away from the vehicle, and while holding hands high, turn in a full circle.
 4. Slowly walk backwards, facing away from you, toward the sound of your voice.
 5. Continue to guide the driver back until he or she reaches the area just in front of the squads. At that time, turn voice command over to the arrest control officer.
 6. Direct the driver/occupant to the desired position and handcuff him or her.

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7. The arrest control officer shall perform a cursory search of the subject's waistband, then move the subject to the rear of the squads and perform a thorough search.
8. The arrest control officer shall question the subject to gather intelligence on other occupants, weapons, and so on.
9. The arrest control officer shall secure the driver in a squad, preferably one not involved in the stop.

(f) Clear the vehicle properly.

High-risk vehicle contacts are appropriate any time the officer's threat assessment suggests that an approach or non-approach contact would be unsafe. Because of the threat level and the multiple tasks involved, a high-risk vehicle contact should be a team effort; a single officer should not attempt a high-risk contact except in extraordinary circumstances.

Traffic Crash Response And Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic crashes, providing aid and assistance, documentation of the incident and identification of criminal activity.

The Wausau Police Department prepares traffic crash reports in compliance with Wis. Stat. § 346.70(4). As a public service the Wausau Police Department makes traffic crash information available to the public.

501.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic crash. A traffic crash with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a crash, should consider the following:

- (a) The most appropriate route to the incident
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene
- (c) Potential for involvement of hazardous materials
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)
- (e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary
- (f) Traffic control
- (g) Clearance of the roadway

501.3 CRASH INVESTIGATION

Investigation of traffic crashes, including hit and run incidents, should include, at minimum, the following:

- (a) Identification and interview of all involved parties
- (b) Identification and interview of any witnesses
- (c) Determination if any violation has occurred and taking appropriate enforcement action
- (d) Identification and protection of items of apparent evidentiary value
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

501.4 TRAFFIC CRASH REPORTING

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501.4.1 MEMBER RESPONSIBILITIES

Department members shall utilize TraCS to complete the Wisconsin Motor Vehicle Accident Report Form (MV4000) prepared by the Wisconsin Department of Transportation (WisDOT) for a reportable crash. A reportable crash is an occurrence that originates or terminates on a traffic way, which involves at least one motor vehicle in transport, and results in any of the following:

- (a) Injury or fatality of a person.
- (b) Total damage to one person's property to an apparent extent of \$1,000 or more.
- (c) Damage to government-owned property to an apparent extent of \$200 or more, except government-owned vehicles, which are \$1,000.

Motor vehicle crashes that do not meet the above criteria are considered non-reportable. For all non-reportable accidents, officers shall utilize TraCS to complete the MV4000 and shall mark such reports as "non-reportable."

When a motor vehicle crash meets any of the criteria of a reportable crash but is not investigated by this department, the operator of each motor vehicle involved in the crash should complete the required Wisconsin Driver Report of Accident Form (MV4002).

All traffic crash reports taken by members of this department shall be forwarded to the Patrol Lieutenant for approval and data entry into the records management system.

501.4.2 ADMINISTRATIVE LIEUTENANT AND SUPPORT SERVICES RESPONSIBILITIES

The Support Services responsibilities include:

- a. Ensuring the forwarding of the MV4000 for all reportable accidents to WisDOT within 10 days of the date of the crash (Wis. Stat. § 346.70(4)(a)).
- b. Ensuring the forwarding of the MV4000 to the governing body where the crash occurred pursuant to Wis. Stat. § 346.70(4)(h).

501.4.3 MODIFICATIONS TO TRAFFIC CRASH REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report. A written supplemental report may be made by any authorized employee.

If the modification is to add a fatality, a Wisconsin Motor Vehicle Fatal Accident Supplement Form (MV3480) shall be completed and a Transaction Information for the Management of Enforcement (TIME) administrative message sent to Motor Vehicle Fatality Reporting. A fatality is any injury received in a traffic crash which results in death within 30 days of the crash.

501.5 REPORTING SITUATIONS

This section outlines procedures for the following types of crashes:

- (a) Death and injury.
- (b) Hit and run.
- (c) Property damage only.

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- (d) Damage to public vehicles or property.
- (e) Hazardous materials.
- (f) Occurrences on private property.

501.5.1 DEATH AND INJURY

If a crash originated or terminated on a traffic way or upon certain private property as defined within Wis. Stat. § 346.66, involved at least one motor vehicle, and resulted in the fatality or injury of a person, an officer shall complete a reportable accident report in accordance with this policy and Wis. Stat. § 346.70.

Officers shall summon appropriate medical assistance to the scene and assist in getting persons seriously injured removed to medical facilities as soon as possible. At accident scenes where there is personal injury or the imminent threat of injury, actions to deal with the injury/threat will take precedence over investigative or reporting activities. Officers shall check injured persons at the scene to identify those most seriously injured and shall administer appropriate emergency medical attention. Officers will not attempt to administer medical aid or treatment beyond their capabilities. Officers will not permit incompetent volunteers to treat injured persons.

When it is evident that a death has occurred, officers will notify their immediate supervisor, who will cause notification of all other persons who have a responsibility at the scene (Patrol Captain, District Attorney and Coroner). The Chief of Police shall be notified on all deaths. The supervisor at the scene will determine if a detective should be summoned to assist in the investigation.

Accidents involving a fatality shall be the subject of a thorough investigation, to include the preparation of the scale drawings of the scene, photographs and/or videos, and the complete documentation of driver and/or witness statements from all parties involved. In addition to completion of the state accident report and supplemental reports, the administrative lieutenant should direct a TIME Administrative Message to "MVFR" by the end of the working shift during which the fatality occurred. Whenever available, officers having been trained in technical accident investigations will be summoned to the accident scene to assist in the investigation.

Vehicles involved in a fatality shall be properly impounded and held to permit a later, more thorough examination of the vehicle(s). A property/inventory and evidence form must be made for all seized vehicles.

501.5.2 HIT AND RUN

Hit and run crashes shall be reported in accordance with 501.4.1.

Upon ascertaining that an accident is a hit and run, officers shall attempt to obtain the best possible description of the suspect vehicle, its probable damage, direction of travel, and a description of the driver and/or passenger(s). In addition to the information being relayed to other units in the field, telecommunicators shall cause other surrounding jurisdictions to be notified as necessary.

501.5.3 PROPERTY DAMAGE ONLY

Property damage only crashes shall be reported in accordance with 501.4.1.

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501.5.4 DAMAGE TO PUBLIC VEHICLES OR PROPERTY

All traffic crashes involving a department vehicle or other public property or involving any employee of this department who is acting within the scope of their employment, to include civilian or sworn, shall be immediately reported to an on-duty supervisor.

Crashes involving damage to department vehicles, public property, and/or injury to a person shall be reported in accordance with 501.4.1

The on-duty Patrol Lieutenant shall ensure that a full investigation is made and documented. He/she shall ensure the investigation is conducted without bias and will request the assistance from an outside agency when applicable.

Department members directly involved in the accident shall not participate in the investigation.

When an employee of this department, either on- or off-duty, is involved in a traffic crash within the jurisdiction of the Wausau Police Department and it results in a serious injury or fatality, the Patrol Lieutenant should request the Wisconsin State Patrol or other outside agency to complete an investigation and report.

The term serious injury is defined as bodily injury that may result in a fatality.

The Patrol Lieutenant may request assistance from the Wisconsin State Patrol or other outside agency for the investigation of any traffic crash involving any City official or employee where a serious injury or fatality has occurred.

501.5.5 HAZARDOUS MATERIALS

For any accident that may involve release or exposure to hazardous materials, an officer shall request the assistance of the fire department as they are the designated hazardous materials handlers for the City.

501.5.6 OCCURRENCES ON PRIVATE PROPERTY

In accordance with Wis. Stat. § 346.66, required reporting of accidents under 501.4.1 applies for crashes upon private property when the following conditions exist:

- (a) The premises is held out to the public for use of their motor vehicles.
- (b) The premises is provided by employers to employees for the use of their motor vehicles.
- (c) The premises is provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles.

If any one of the above conditions is satisfied, officers shall report such crashes in accordance with 501.4.1. If the crash occurred on private property and does not fit the conditions outlined in Wis. Stat. § 346.66, an accident report is not required.

501.5.7 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS

When a member of this department investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a to 22

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USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the department member shall do the following (Wis. Stat. § 346.70(4)(i)):

- (a) As soon as practicable, contact the DOS Office of Foreign Missions (OFM) Diplomatic Security Command Center, Diplomatic Motor Vehicle Office to verify the status and immunity, if any, of the driver claiming diplomatic immunity.
- (b) Within 10 days after the date of the crash, forward a copy of the crash report to the DOS OFM Diplomatic Motor Vehicle Office.
- (c) Department members should use the following numbers to contact the DOS OFM, Diplomatic Motor Vehicle Office:
 - o (202) 895-3521 (driver's license verification)
 - o (202) 895-3532 (registration verification)
 - o (202) 895-3533 FAX

501.6 GENERAL CRASH SCENE PROCEDURES

501.6.1 ROLE OF PRIMARY INVESTIGATOR

Unless reassigned by a department member of superior rank, the primary officer assigned to a crash is in charge and responsible for:

- (a) Initiating a proper response to the scene of the accident while traveling with due regard for other motorists and the public.
- (b) Evaluating the crash scene and attending to injured persons in accordance with their training.
- (c) Stabilizing the scene by requesting additional resources (e.g. other officers, ambulance, fire, wrecker, et cetera) when appropriate.
- (d) Preserving life and evidence.
- (e) Performing a thorough investigation of the accident.
- (f) Normalizing the scene.
- (g) Documenting the incident on appropriate forms.

501.6.2 TENDING TO INJURED PERSONS

At crash scenes where there is personal injury or the imminent threat of injury, actions to deal with the injury/threat will take precedence over investigative or reporting activities. Officers shall check injured persons at the scene to identify those most seriously injured and shall administer appropriate emergency medical attention. Officers will not attempt to administer medical aid or treatment beyond their capabilities. Officers will not permit incompetent volunteers to treat injured persons. Officers shall summon appropriate medical assistance to the scene, and assist in getting persons seriously injured removed to medical facilities as soon as possible.

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501.6.3 SAFETY HAZARDS

As the Fire Department performs first responder duties and primary hazardous materials duties, they should be requested or dispatched at the first suspicion of any related hazard. Until their arrival, officers may be required to keep people away from the suspected hazard.

501.6.4 GATHERING INFORMATION

Officers assigned to the investigation of a crash shall gather sufficient information from operators, passengers, and/or witnesses to accurately complete accident forms and to support probable cause for the issuance of a citation or the effect of an arrest. When applicable, officers shall gather information to include, but not limited to:

- (a) Vehicle registration information.
- (b) Operator, passenger, registered owner, and witness information.
- (c) Signs or complaints of injury.
- (d) Insurance information.
- (e) Wrecker preference.
- (f) Statements from operator(s), passenger(s), and witnesses.
- (g) Medical release information.

Officers should facilitate the exchange of driver information by completing and issuing a TraCS Name Exchange Form or by filling out a driver information exchange card.

501.6.5 PROTECTING THE CRASH SCENE

A member assigned to an accident will position the squad to protect the scene, summon other personnel when needed to assist, and consult with a supervisor for incidents requiring additional manpower or equipment.

501.7 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of state traffic statutes contributed to the crash, officers shall issue a municipal citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Wausau Police Department.

502.2 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (Wis. Stat. § 349.13(3)).

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 VEHICLE REPORT

Department members requesting towing, seizure or impound of a vehicle shall complete a vehicle disposition report form that includes information on what company towed the vehicle and where the vehicle will be stored, as well as what property was inside the vehicle. This form and any associated police reports shall be turned in to the Patrol Lieutenant as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a crash, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a vehicle impound and inventory report.

502.2.3 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high-crime area).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

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- A traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner (or his/her authorized designee) of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be towed and the owner requests that it be left at the scene.

502.2.4 DRIVING A NON-CITY VEHICLE

With permission of the registered owner or operator of a vehicle, an Officer may move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.5 RECORDS BUREAU RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

It shall be the responsibility of the handling Officer to notify the towing service of the name and last-known address of the vehicle's registered owner and lien holders of record.

502.3 TOWING SERVICES

The City of Wausau periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle disposition form. This includes the trunk and any compartments or containers that are opened, unlocked, accessible, and/or visible to the officer at the time the inventory search is conducted. Officers are not required to force entry to a locked vehicle in order to conduct a vehicle inventory of an abandoned vehicle. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for

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the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.5 PRESERVATION OF EVIDENCE

An officer removing a vehicle, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Any personal property shall be returned to the owner of the vehicle during regular office hours upon presentation of proper identification (Wis. Stat. § 349.13(5)(b)(2)).

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating while intoxicated (OWI).

503.2 POLICY

The Wausau Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Wisconsin's impaired driving laws. Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend them. After conducting an initial examination at the scene of the traffic contact, and upon determining that probable cause to arrest is present, officers will effect a physical arrest of the subject.

503.3 VEHICLE STOPS AND OPERATOR CONTACTS

The following guidelines for vehicle stops and operator contacts shall be considered by all officers:

- (a) Officers should conduct the vehicle stop of a suspected OWI suspect as soon as possible and in a safe location.
- (b) A second officer should be summoned to the scene to assist as needed and remain until assistance is no longer required by the officer initiating the traffic stop.
- (c) Upon contact with the operator, the officer shall conduct an interview and in the process should recognize and identify specific characteristics, attitudes and actions commonly associated with impairment.
- (d) If reasonable suspicion exists to support impaired operation, the officer shall request the operator to exit the vehicle for the purpose of conducting field sobriety tests.
- (e) If the vehicle was not observed in motion, the officer shall determine if probable cause exists to charge the operator with actual physical control over the speed and direction of the vehicle or the physical manipulation or activation of any of the controls of the vehicle necessary to put it in motion.

503.4 ADMINISTRATION OF STANDARDIZED FIELD SOBRIETY TESTING (SFST)

Unless the operator is uncooperative, physically unable to perform the tests, or the tests cannot be safely performed, field sobriety tests should be conducted on all operators suspected of OWI.

The information gathered during field sobriety testing is vitally important and often is the most powerful evidence of impaired operation. Generally, field sobriety testing should be done at the scene of the traffic stop or accident. The testing should take place in a safe, well-lit location.

Those officers trained in the performance of Standardized Field Sobriety Testing (SFST) shall use those skills in testing for operator impairment. Officers shall perform testing in accordance with the NHTSA standards and training received by the officer. The three tests that constitute the SFST battery are:

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- (a) Horizontal Gaze Nystagmus — This test involves the involuntary jerking of the eyes when responding to gazing to the side. The involuntary jerking is more pronounced as the impairment level increases.
- (b) Walk and Turn — A divided attention test which requires the subject to concentrate on more than one thing at a time. The mental tasks include comprehension of verbal instructions and the physical tasks including balance and coordination.
- (c) One Leg Stand — Same type of divided attention task as the walk and turn test.

When properly administered and interpreted, all three tests are highly reliable tools for evaluating an OWI suspect's degree of impairment.

Alternative tests may be used after the three tests above are complete or in place of the above tests if the subject is physically unable to perform the above test(s). Alternative tests shall be conducted by officers only if they have been properly trained in such tests. Alternative tests include, but are not limited to, the following:

- (a) Alphabet Test
- (b) Finger to Nose Test
- (c) Romberg Balance Test
- (d) Finger Dexterity Test

503.5 PRELIMINARY BREATH TEST (PBT)

An officer who has probable cause to believe that a person has committed OWI or where the officer detects any presence of alcohol, a controlled substance or any other drug on a person operating a motor vehicle, may request that the person submit to a preliminary breath test (PBT). The result of the PBT may be used by the officer in deciding whether to arrest the person and whether to require or request additional chemical testing under Wis. Stat. § 343.305(3). A person may refuse to take the PBT (Wis. Stat. § 343.303).

503.6 ARREST

If all elements of the OWI violation have been clearly established, officers shall effect a physical arrest of the operator. The operator shall be handcuffed, searched, and shall remain handcuffed when placed in the officer's vehicle unless exceptional circumstances are present. Transportation of the impaired arrestee shall be conducted in a safe manner and in accordance with applicable statute (Wis. Stat. § 347.48) and department policy.

503.7 DRUG RECOGNITION EXPERT (DRE)

If the PBT result is not consistent with the subject's level of impairment, or if there is reason to believe the subject's impairment is due (at least in part or fully) to the ingestion of illegal drugs, prescription drugs, or any substance other than alcohol, officers shall request a DRE (Drug Recognition Expert) to conduct an evaluation if probable cause exists for an arrest.

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503.8 DISPOSITION OF ARRESTEE'S VEHICLE

The arrested person's vehicle and its contents should be secured prior to leaving the scene in the following manner:

- (a) If there are no passengers in the vehicle, the OWI suspect may elect to have the vehicle left on public property provided it is legally parked, not in a time controlled area, and one of the following options can be met:
 - 1. Arrangements are made for a licensed operator to remove the vehicle within eight (8) hours; or
 - 2. The subject possesses a valid license and will remove the vehicle when he/she is released from secure custody upon proof of sobriety.
- (b) If there are passengers or persons at the scene who are willing to take responsibility for the vehicle, the vehicle may be released to one of these persons if:
 - 1. The operator or registered owner gives consent for this vehicle to be removed from the scene by this person; and
 - 2. The person possesses a valid operator's license; and
 - 3. The person is not under the influence of an intoxicant and/or drugs in the opinion of the arresting officer. The officer may perform field sobriety tests and/or a PBT test on the person to ensure the person's ability to operate a vehicle safely.
- (c) Towing of vehicles may occur in accordance with Policy 502 - Vehicle Towing and Release.

503.9 CHEMICAL TESTS

Prior to requesting the operator to submit to a chemical test, the arresting officer shall issue a uniform traffic citation for the OWI offense and inform the operator it is being issued. The officer shall assign the appropriate violation(s) and determine the appropriate court date, time and location (i.e. circuit or municipal court appearance).

A person is deemed to have consented to a chemical test or tests under any of the following (Wis. Stat. § 343.305):

- (a) The officer has arrested the person for operating a motor vehicle while under the influence of an intoxicant, controlled substance or any other drug.
- (b) The officer has arrested the person for operating a motor vehicle with a detectable amount of a restricted controlled substance in the person's blood.
- (c) The officer has arrested the person for operating a motor vehicle with a prohibited alcohol concentration.
- (d) The officer has arrested a person under the age of 21 who has any detectable amount of alcohol in his/her system.
- (e) The officer has arrested a person who was operating a commercial motor vehicle while having an alcohol concentration of 0.04 or more.

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- (f) The officer has arrested the person for causing injury to another person while OWI or with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his/her blood.
- (g) The officer has arrested the person for causing injury to another person while operating a commercial motor vehicle with an alcohol concentration of 0.04 or more.
- (h) The officer has arrested the person for a violation of Wis. Stat. § 940.25 (Injury by Intoxicated Use of a Vehicle).
- (i) The officer has arrested the person for a violation of Wis. Stat. § 940.09 (Homicide by Intoxicated Use of Vehicle or Firearm).
- (j) The person was involved in an accident resulting in substantial bodily harm to any person and the officer detects any presence of alcohol, a controlled substance, a controlled substance analog or other drug (Wis. Stat. § 343.305(3)(ar)).
- (k) The person is unconscious or otherwise not capable of withdrawing consent and the officer has probable cause to believe that the person was OWI or caused great bodily injury or death of another (Wis. Stat. § 343.305(3)(b)).

The primary test for all OWI violations for this agency is a blood test. The secondary test offered is the breath test.

If the subject requests an alternative test, the subject must first submit to the primary test chosen by the agency in order to be offered the alternative test. The alternative test will be a breath test.

503.9.1 STATUTORY WARNING

An officer requesting that a person submit to a chemical test shall read to the person the mandatory statutory warning provided by Wis. Stat. § 343.305(4) entitled Informing the Accused. Officer shall not expand upon the form. If the subject has questions, an officer shall reread the entire form, reread parts of the form, or allow the subject to read the form themselves. The officer shall record the arrestee's response and provide him/her with a copy.

503.9.2 BREATH SAMPLES

The Administrative Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Administrative Lieutenant. Breath samples will only be obtained by officers who have been trained and whose certifications remain valid for the machine in use.

503.9.3 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (Wis. Stat. § 343.305(5)(b)). The withdrawal of the blood sample should be witnessed by the assigned officer.

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No officer, even if properly certified, should conduct the blood withdrawal (Wis. Stat. § 343.305(5)(b)).

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

503.9.4 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Wausau Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

503.9.5 NOTICE OF INTENT TO SUSPEND

If a chemical test indicates the presence of a controlled substance or a prohibited alcohol concentration, the officer shall complete a Notice of Intent to Suspend. The person shall be informed that his/her driving privilege will be administratively suspended for six months and that the person has the right to an administrative hearing. The form to request the administrative review shall be provided to the person (Wis. Stat. § 343.305(8)). If the person was operating a commercial motor vehicle, the officer shall also issue the person an out-of-service order.

503.10 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Wis. Stat. § 343.305).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

503.10.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The officer shall forward copies of the notice to the appropriate prosecuting attorney, as well as the Wisconsin Department of Transportation (WisDOT), in the manner prescribed by WisDOT. If the person was operating a commercial motor vehicle, the officer shall issue the person a 24-hour out-of-service order (Wis. Stat. § 343.305(9)).

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503.10.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when a search warrant has been obtained, or an exigent circumstance exists.

503.10.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should notify a supervisor.

The supervisor and officer should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable blood sample for testing in a timely manner.
- (c) Attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the withdrawal is taken in a medically approved manner.
- (e) Ensure the forced withdrawal is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.
- (g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

503.10.4 OFFICER ACCESS TO ADDITIONAL SAMPLE

If a person refuses to submit to a chemical test but has had a sample of blood, urine or other bodily substance taken for any reason, the officer may obtain a portion of that sample sufficient for analysis or may request that a sample be available as allowed by law (Wis. Stat. § 905.04(4)(f)).

503.11 INCARCERATION AND/OR RELEASE

If allowed by the rules of the court, a person arrested for OWI may be released to a responsible adult. The individual to whom the person is released is required to sign an OWI Responsibility Release containing his/her name and that he/she will be responsible for the person.

A person arrested for OWI who is unable to be released to a responsible adult may not be released until 12 hours have elapsed or until a chemical test administered under Wis. Stat. § 343.305 shows a blood alcohol content of less than 0.04 (Wis. Stat. § 345.24).

If the violation is a felony level crime, the subject shall be incarcerated, unless extenuating circumstances exist.

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503.12 RECORDS BUREAU RESPONSIBILITIES

The Administrative Lieutenant will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office and WisDOT (Wis. Stat. § 343.305(7); Wis. Stat. § 343.305(8); Wis. Stat. § 343.305(9)).

503.13 ADMINISTRATIVE HEARINGS

The Administrative Lieutenant will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to WisDOT.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

503.14 WRITTEN REPORTS

Detailed reports are critical to successful OWI arrests and prosecutions and shall be completed for all OWI arrests. When applicable, reports shall cover all phases of the OWI detection process, including, but not limited to: vehicle in motion, personal contact, pre-arrest screening, arrest, chemical testing, and offender release. Patrol supervisors will be responsible for review of all OWI paperwork to ensure that accuracy and detail are met.

503.15 TRAINING

The Patrol Bureau Commander should ensure that officers participating in the enforcement of OWI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OWI investigations. The Patrol Bureau Commander should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this department shall use the State of Wisconsin Uniform Traffic Citation for moving traffic violations and other violations pursuant to Wis. Stat. § 345.11. Officers shall inform the person charged with a violation of a traffic regulation of the consequences of the citation on his/her driving privilege (Wis. Stat. § 345.27(1)). After issuing the citation, the officer shall process the person in accordance with Wis. Stat. § 345.23.

The Administrative Bureau shall be responsible for the issuance and accounting of all traffic citations provided to employees of this department (Wis. Stat. § 345.11(7)(a)).

The Administrative Bureau shall prepare and submit reports as required by the Wisconsin Secretary of Transportation (Wis. Stat. § 345.11(7)(a)).

504.3 DISMISSAL OF TRAFFIC CITATIONS

Only supervisors have the authority to dismiss a citation once it has been issued. Upon dismissal of a citation, the Patrol Captain shall be notified of the circumstances surrounding the dismissal.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer shall inform the prosecutor of his/her concern. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Bureau Commander for review.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.

504.5 CORRECTION OF TRAFFIC CITATIONS

The charge on the front side of the citation form shall not be amended. When a traffic citation in need of correction has not been entered in court, the citation should be voided as described in this policy and a citation with a new number should be issued. The officer issuing the citation shall submit the citation to his/her immediate supervisor. The supervisor will determine if a written police report is necessary to accompany the citation.

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504.6 DISPOSITION OF TRAFFIC CITATIONS, WRITTEN WARNINGS, AND CRASH REPORTS

All traffic citations, written warnings, and crash reports will be submitted electronically, through TRACS, to the employee's immediate supervisor for review. The citations, warnings, and crash reports shall then be filed electronically with the Records Bureau.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Administrative Bureau.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to state and local laws.

504.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Administrative Lieutenant or designee which will review written or documentary data. Requests for administrative reviews are available at the front desk or on-line. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond an administrative review, the appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

504.7.2 TIME REQUIREMENTS

Administrative review will not be provided if the violator does not adhere to the mandated time limits.

- (a) Requests for an administrative review should be submitted within 7 days of issuance of the notice of parking violation or within 7 days of the mailing of a Notice of Delinquent Parking Violation.
- (b) Requests for appeal to the municipal court must be made within 28 days of the issuance of the notice of violation. Once a request for administrative review is received, the time limit for submitting appeal to the municipal court will be suspended, and will resume upon mailing of the administrative review decision.
- (c) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

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504.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) An appeal through Court may require prior payment of filing costs including applicable court charges and fees. These costs may be reimbursed to the appellant in addition to any previously paid fines, if the appellant's liability is overruled by the Court.

504.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults.

- (a) Juveniles 12 to 17 years of age who commit a Section I traffic offense listed in the Wisconsin Uniform Traffic Bond Schedule may be issued a Uniform Traffic Citation. However no bond shall be listed on the traffic citation, and a court date shall be assigned. Referral to juvenile court is not necessary.
- (b) Juveniles under the age of 12 who commit a Section I traffic offense, or juveniles under the age of 15 who commit a Section II traffic crime, must be referred to the appropriate juvenile intake office.
- (c) When a citation is issued to a juvenile under 18 years of age this department shall notify the parent, guardian or legal custodian of the violation within seven days (Wis. Stat. § 343.15(5); Wis. Stat. § 938.17(2)(c)).

Disabled Vehicles

505.1 PURPOSE AND SCOPE

This policy establishes agency procedures related to provision of assistance to and protection of highway users.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

Officers are encouraged to provide all reasonable assistance to motorists who are in need of information or directions, are stranded or disabled or are in need of fuel, tires or repairs. Officers will provide protection to motorists disabled or stranded in a hazardous location or environment until the situation is resolved or necessary repairs or towing can be accomplished. Officers will take all reasonable actions as necessary to protect the motorists, correct the hazardous situation, summon assistance for repairs or towing, make arrangements for or, if appropriate, transport the motorists to a place of safety.

After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

Officers shall attempt to determine the motorist's preference when summoning mechanical or towing assistance. If the motorist does not have a preference, or is unfamiliar with the services available in the area, officers and dispatchers will follow the procedures established for rotating towing services when summoning assistance. Officers shall refrain from recommending a particular towing or maintenance service provider. If the vehicle is unoccupied and the owner cannot be located within a reasonable time, a parking citation should be issued and the vehicle towed in accordance with Policy 502 - Vehicle Towing and Release.

Members may not transport persons outside of the City without supervisory approval.

505.3.1 MECHANICAL REPAIRS

It is not allowable to jump start another vehicle using City vehicles nor shall a member attempt mechanical repairs of another vehicle.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should generally not be done unless exigent circumstances exist and when the conditions

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reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.3.3 VEHICLE LOCKOUT SERVICES

The department will respond to vehicle lockouts and department personnel will attempt to assist the motorist with unlocking their vehicle. Department personnel shall:

- (a) Identify the individual and conduct a registration check to ensure the person is entitled access to the vehicle.
- (b) Inform the person requesting this service that there is a potential the vehicle may be damaged by our efforts.
- (c) Review and complete the vehicle damage waiver form prior to any attempt to unlock the vehicle.
- (d) Provide reasonable assistance if the circumstances require a locksmith, wrecker service, or vehicle dealership. No specific recommendations or endorsements of a specific service will be made by department members.

Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, removal and recording of vehicles abandoned in violation of abandoned vehicle laws or ordinances or that must be removed due to an emergency.

506.2 POLICY

It is the policy of the Wausau Police Department to process abandoned vehicles according to guidelines outlined in Wis. Stat. § 342.40. Statute prohibits any person from leaving unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended for more than 48 hours in a manner causing it to appear abandoned, the vehicle constitutes a public nuisance and may be impounded until lawfully claimed by the owner or disposed of in accordance with the law.

506.3 MARKING VEHICLES

Vehicles suspected of being abandoned in violation of state or local laws shall be documented via the computer aided dispatch (CAD) system. No case number is required at this time.

Reasonable attempts should be made by the investigating member to identify and notify the owner of the pending removal of the vehicle using information available from the Wisconsin Department of Justice Transaction Information for the Management of Enforcement (TIME) system. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle prior to removal.

506.4 VEHICLE IMPOUND

When a vehicle has been left unattended for more than 48 hours in a manner causing it to appear abandoned, officers shall declare the vehicle abandoned and issue the appropriate parking citation.

All abandoned vehicles shall be removed and impounded by an authorized towing service. The investigating member shall provide the towing service with the following information:

- (a) Case number.
- (b) Name of registered owner(s).
- (c) Address for registered owner(s).
- (d) Lien holder information.

506.4.1 VEHICLE IMPOUND REPORTING

The impoundment of an abandoned vehicle shall be recorded by the investigating member upon a Vehicle Disposition Report. The report shall record the following:

- (a) The date, time and location of abandonment.

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- (b) The name of the authorized towing service and location of impoundment.
- (c) Reason for removal and pending charges, if any.
- (d) Notification or attempted notification of the registered owner.

506.5 TOWING SERVICE RESPONSIBILITY

The Wausau Police Department partners with authorized towing services for the removal, impoundment, and final disposition of abandoned vehicles. It is the responsibility of the authorized towing service to:

- (a) Notify the owner(s) and lienholder by certified mail of the vehicle's abandonment in accordance with Wis. Stat. § 342.40(3)(c).
- (b) Return the vehicle or property contained therein to the registered owner(s), when applicable.
- (c) Dispose of the vehicle in accordance with Wis. Stat. § 342.40(2) and 342.40(3)(c).

Traffic Direction and Control Function

507.1 PURPOSE AND SCOPE

This policy governs traffic direction and control functions, to include wearing high visibility clothing when involved with traffic direction and control.

507.2 HIGH VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

507.2.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

507.3 TRAFFIC DIRECTION AND CONTROL

Traffic direction and control duties shall be performed by sworn and non-sworn personnel of the department when necessary to ensure the safe and efficient movement of vehicles and pedestrians. Sworn officers shall perform traffic direction and control where intervention is required to correct a disruption of traffic flow, protect pedestrians, repair faulty or damaged traffic control devices or until temporary traffic control devices can be placed into use.

The Patrol Bureau Captain or his/her designee will attempt to assign emergency police members to traffic direction and control duties during scheduled activities such as parades, funerals, or civic events where a need for these duties is known or anticipated. They may also be summoned for emergency situations where traffic direction is needed for extended periods of time.

The Patrol Bureau Captain or his/her designee shall coordinate efforts with the School Crossing Guard Supervisor and shall assign adult school-crossing guards to identified locations to facilitate the safe movement of children to and from school.

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507.3.1 MANUAL OPERATION OF TRAFFIC CONTROL SIGNALS

All uniformed officers will be trained in the proper use of and have a key permitting access to traffic control signal boxes. The small access panel located on the front of the control unit is the only area that shall be accessed. Officers may control traffic by manual operation of traffic control under the following circumstances:

- (a) The signal is malfunctioning.
- (b) Facilitating movement at accident scenes or the scenes of other emergencies.
- (c) Providing a thoroughfare for motorcades or parades.
- (d) To alleviate traffic congestion when the normal cycle cannot adequately control traffic movement.
- (e) At such other times when manual control of the traffic signal will facilitate the orderly flow and safe movement of vehicle or pedestrian traffic.

Manual operation of traffic control signals shall be limited to manual cycling of the traffic signals or placement of the control mechanism into the "flash" mode. Officers shall not attempt to repair the signal or adjust the timing cycles.

507.3.2 SPECIAL EVENTS

The Patrol Bureau Captain or his/her designee shall prepare a contingency plan for special events such as parades, sporting events, highway construction or maintenance, picketing, and so on. The contingency plan shall address the following at a minimum and shall be updated from time to time as needed:

- (a) Adequate staffing.
- (b) On-site medical assistance.
- (c) Ingress and egress of vehicles and pedestrians.
- (d) Provisions for parking, spectator control and public transportation.
- (e) Provisions for news media.
- (f) Alternate routes for through traffic.
- (g) Temporary traffic controls/parking restrictions.
- (h) Emergency vehicle access.

If any of the items included above are provided by private sources during a special event, the Patrol Bureau Captain or his/her designee shall ensure that adequate services will be provided to meet the anticipated needs of the event.

507.3.3 FIRE SCENES

The primary duty of departmental personnel engaged in traffic direction and control at fire scenes is to maintain access for firefighting vehicles and equipment and to provide crowd control. Access or travel by private vehicles shall be controlled so as not to limit access or hamper efforts of the fire department.

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The first officers on the scene shall position their vehicles so as to limit access to the area and will coordinate their traffic and crowd control efforts with the fire department on-scene commander.

Officers shall keep the dispatch center informed as to the location of control points and the alternate routes that traffic will be utilizing.

507.3.4 SUPERVISED SCHOOL CROSSINGS

The department shall authorize and provide, as necessary, non-sworn personnel to serve as adult school crossing guards. The sole function of school crossing guards is to facilitate the safe movement of children to and from school by escorting them with the aid of traffic control signals or by walking them safely across the roadway when there are gaps in the flow of traffic.

Adult school crossing guards will not direct vehicular traffic other than to stop vehicles to allow children to cross the roadway and shall attempt to utilize existing gaps in traffic to allow children to cross.

The department will provide initial training for all newly hired crossing guards and annual refresher training to all crossing guards on the functions and duties of the position.

Escort Services

508.1 PURPOSE AND SCOPE

This policy governs procedures for law enforcement escort services, to include:

- (a) General escorts for dignitaries, convoys, parades, funerals, and oversized vehicles.
- (b) Civilian vehicle escorts in medical emergencies.

508.2 GENERAL ESCORTS

The following establishes guidelines for performing law enforcement escort services for dignitaries, convoys, parades, funerals, and oversized vehicles:

- (a) Vehicle escorts may be provided for dignitaries, convoys, parades, funerals, and oversized vehicles at the discretion of the Wausau Police Department.
- (b) All escorts, regardless of nature, will meet State of Wisconsin and City of Wausau regulations. When permits are required by the State or City, said permits will be obtained before escort services are granted by the Wausau Police Department.
- (c) Certain requests for escort services (e.g. oversized vehicles) will be reviewed by the Traffic Engineer when required by the State.
- (d) Funeral escorts may be provided by the funeral home; however, special requests for large processions requiring police aid will be routed to the patrol lieutenant for officer assignment.
- (e) For special events such as parades, convoys, and dignitaries, all escort requests will be handled by the Patrol Captain or his/her designee.

508.3 CIVILIAN VEHICLE ESCORTS IN MEDICAL EMERGENCIES

The following establishes guidelines for civilian vehicle escorts in medical emergencies:

- (a) Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and is not authorized.
- (b) Officers who encounter situations where medical transport is needed shall immediately render first aid, as appropriate, and shall summon medical assistance and transport, if needed. If the operator of a civilian vehicle refuses to wait for medical transport and prompt medical assistance is needed, the officer may lead the civilian vehicle to the nearest medical facility but shall not use emergency equipment and shall obey all traffic regulations.
- (c) Officers shall not convey injured or ill persons to a medical facility for treatment in department vehicles unless authorized by a supervisor. While officers cannot force persons to obtain medical assistance or accept medical transport, except in limited circumstances, officers shall encourage persons to accept these services and shall provide all necessary assistance until the emergency medical services arrive at the scene.

Hazardous Highway Conditions

509.1 PURPOSE AND SCOPE

This policy establishes directives for taking action or notifying the proper authority to correct hazardous highway conditions.

509.2 HAZARDOUS HIGHWAY CONDITIONS

The Department of Public Works or specialty department contained therein (Electrical Department, Water Department, etc) shall be notified when officers encounter hazardous highway conditions. The following conditions require immediate notification and correction:

- (a) Downed regulatory signs (e.g. stop signs, yield signs, etc).
- (b) Downed or dangerously malfunctioning traffic signals, to include railroad signals.
- (c) Hazardous obstructions in the street.
- (d) Excessive damage to the street.
- (e) Other situations evaluated by on-scene personnel as needing immediate attention.

In each of these situations, officers shall promptly respond, take corrective action when applicable, and remain on scene until the hazardous highway condition is corrected or no longer poses a danger to the public.

The following hazardous highway conditions are considered minor and do not require an immediate response from the Department of Public Works:

- (a) Minor view obstructions (e.g. partially obscured signs, minor vandalism/damage, etc).
- (b) One traffic signal light burned out with others functional.
- (c) Other situations evaluated by on-scene personnel as not needing immediate attention.

Officers shall direct Dispatch to notify the Department of Public Works of minor hazardous conditions that require attention.

Chapter 6 - Investigation Operations

Investigative Coverage

600.1 PURPOSE AND SCOPE

This policy establishes a system where investigative coverage is always available, either through on-duty personnel, off-duty personnel, or an outside agency.

600.2 INVESTIGATIVE COVERAGE

600.2.1 ON-DUTY STATUS

Generally, the Detective Bureau is staffed with detectives, investigators, and/or school resource officers 11 hours every business day, Monday - Friday, from 7:00 AM - 6:00 PM.

600.2.2 ON-CALL STATUS

During weekends or times with no on-duty investigative staffing, the Detective Captain or his/her designee shall prepare and disseminate an on-call roster to his/her staff, as well as to the patrol lieutenants. The on-call roster shall contain the name and contact number for all on-call personnel.

600.3 INVESTIGATIVE AND SCENE PROCESSING PERSONNEL

Detectives and investigators of the Wausau Police Department are subject to the on-call rotation system, and are trained in conducting various types of investigations and in crime scene processing / evidence collection.

The Wausau Police Department maintains a Crash Reconstruction Team (CRT) consisting of trained and certified officers, for response and investigation of serious traffic crashes. Wausau Police CRT personnel are subject to call-in 24-hours a day. In the event an insufficient number of CRT personnel are available from this agency for a serious incident, certified CRT services are also available and may be requested from the Marathon County Sheriff's Department and the Wisconsin State Patrol via mutual aid.

Case File Management

601.1 PURPOSE AND SCOPE

This policy establishes a system of case file management for the administration and control of the investigation of cases in which investigative activities are on-going, specifically addressing:

- (a) A case status and control system.
- (b) Administrative designators for each case.
- (c) Form and substance of records to be maintained.
- (d) File access and purging guidelines.

601.2 CASE STATUS AND CONTROL SYSTEM

The Department's Records Maintenance System (RMS) contains case management software that is utilized for case status, assignment, and control. The Detective Captain or his/her designee shall be responsible for utilizing the case management program to monitor case development to ensure each case is efficiently brought to its proper conclusion.

601.2.1 ORIGINAL CASE OWNERSHIP

All reported incidents requiring police action shall be assigned to a specific Department member, otherwise known as the primary investigating member. The primary investigating member will retain case ownership until:

- (a) Case conclusion; or
- (b) Case transfer.

The primary investigating member's responsibilities shall include, at a minimum:

- (a) Complete and proper preliminary investigation and processing of the incident.
- (b) Proper documentation of the investigation/incident.
- (c) Proper and timely follow-up investigations.
- (d) Victim/complainant notification where appropriate.
- (e) Notification of the rights of victims/witnesses, as well as community resources available.
- (f) Proper disposition or transferring of cases.

The primary investigating member's supervisor is responsible for monitoring the cases assigned to their personnel to ensure:

- (a) Case progress, validity of the investigative effort, sufficiency of documentation, and timeliness of the investigation.
- (b) Proper prioritization of ongoing investigations in order to determine how resources can best be directed.
- (c) Valid criteria is being used in determining when and why a case should be cleared, continued, inactivated, or transferred.

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601.2.2 CASE OWNERSHIP TRANSFER

Certain circumstances may prevent the primary investigating member from completing an investigation. The member, after conferring and receiving approval from the on-duty supervisor, may request a case transfer by indicating said need on a Report Routing Slip. The request for case transfer may also be initiated on a Report Routing Slip by a member's supervisor.

The request for transfer shall be based on the following criteria:

- (a) The need for specialized follow-up.
- (b) The lack of available follow-up resources.
- (c) Inability of the member to complete the task due to shift schedule, sickness, vacation, extended off time, etc.
- (d) Successful conclusion of the investigation by another officer.

The member's supervisor will review the case and Report Routing Slip and either assign the case to another officer under the supervisor's span of control or forward the transfer request to the Detective Captain or his/her designee for case assignment. The Detective Captain or his/her designee will review the request and either approve or deny the transfer. If the transfer is denied, the person denying the transfer shall return the slip to the originating supervisor, providing the reason for the decision. The originating supervisor will notify the member assigned to the case of the decision and what actions, if any, must be taken.

The Detective Captain shall ensure that all cases meeting the criteria for transfer are reassigned and satisfactorily investigated in a manner that will facilitate the apprehension and prosecution of the offender or bring the investigation to an appropriate conclusion. The Detective Captain shall issue individual incident cases that require either preliminary or follow-up investigation to detective lieutenants for case assignment. Detective lieutenants shall be responsible for assigning cases to individual investigators under their span of control for follow-up investigation based upon the following:

- (a) Nature of the assignment;
- (b) Specialized skill; and/or
- (c) Individual case load.

It shall be the responsibility of detective lieutenants to:

- (a) Supervise investigators under their span of control, reviewing their work for the purpose of assessing quality and propriety.
- (b) Perform monthly reviews of each investigator's case files for appropriate management of case assignments.

601.3 ADMINISTRATIVE DESIGNATORS FOR EACH CASE

Concerning administrative designators for each case:

- (a) A unique incident number is assigned to each case when originally reported.

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- (b) Designators for UCR offense types are selected by officers in the report process and reviewed, amended (if necessary), and reported by Records.
- (c) For disposition, a clearance code is used when the case is concluded. Disposition codes will follow UCR guidelines, which include:
 - 1. Cleared by Arrest - Arrested, charges filed and/or case turned over to the court.
 - 2. Committed - 51.15 or 51.45 commitment.
 - 3. Continued - Case is on-going and has not reached conclusion.
 - 4. Exceptionally Cleared - Identity of offender is established, however, some reason outside law enforcement control precludes arrest, charging or prosecution.
 - 5. Inactive - All investigative leads are exhausted resulting in the suspension of the case pending new information.
 - 6. Unfounded - Complaint is false or baseless.

601.4 FORMS AND SUBSTANCE OF RECORDS TO BE MAINTAINED

Case files shall be managed utilizing the Department's case management program contained within the Records Maintenance System (RMS). As cases develop, the Detective Captain or his/her designee shall ensure the case management program is updated in order to efficiently and accurately track progress of all cases.

All submitted reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be entered into RMS by the Records Bureau and maintained in a secure area within the Records Bureau, accessible only to authorized Records Bureau personnel or via electronic storage.

601.5 FILE ACCESS AND PURGING GUIDELINES

Wausau Police Department members shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law. All members shall have access to report files via electronic storage. Access to physical report files contained within the secure area of the Records Bureau may be granted by Records Bureau personnel during normal business hours. After-hours access to physical files may be obtained through a patrol lieutenant.

All forms and documents contained in the Records Management System (RMS) shall be retained and/or purged in accordance with existing retention schedules. Chapter 2.56 of the Wausau Municipal Code establishes retention schedules for all records.

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602.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

602.2 POLICY

It is the policy of the Wausau Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

602.3 DEFINITIONS

Custody: A custodial situation exists when an officer tells a suspect that he/she is under arrest. A functionally equivalent situation exists when a “reasonable person” in the suspect’s position would feel that his/her freedom of action has been restricted to the same degree as a formal arrest.

Primary Investigating Officer: The officer, regardless of title, who has been assigned responsibility for a particular case.

Interrogation: Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements or actions by officers that the officers should know are reasonably likely to elicit an incriminating response from the suspect.

602.4 PRELIMINARY INVESTIGATIONS

This section establishes procedures for conducting preliminary investigations, to include:

- (a) Observing and recording conditions, events, and remarks.
- (b) Identifying, locating, and interviewing complainants, witnesses, and suspects.
- (c) Providing crime scene security and arranging for the collection of evidence.
- (d) Preparing required reports.

602.4.1 PRIMARY INVESTIGATING OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Observe and record all relevant conditions, events, and remarks.
 - 2. Make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses and suspects.

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3. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 4. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 5. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Lieutenant.
 6. Collect and/or photograph any evidence.
 7. Take any appropriate law enforcement action.
 8. Record the incident fully and accurately. Reports shall be completed in accordance with Policy 322 - Report Preparation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

602.4.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

602.5 FOLLOW-UP INVESTIGATIONS

This section establishes procedures for conducting follow-up investigations, to include:

- (a) Reviewing reports prepared during the preliminary investigation.
- (b) Conducting additional interviews and interrogations.
- (c) Gathering additional information from officers, other agencies, electronic databases, informants, etc.
- (d) Conducting surveillance.
- (e) Disseminating information to other officers.
- (f) Obtaining search warrants and planning and executing searches.
- (g) Collecting additional evidence.
- (h) Identifying and apprehending suspects and determining their involvement in other crimes.
- (i) Preparing required reports.
- (j) Preparing cases for court presentation and assisting with prosecution.

602.5.1 OFFICER RESPONSIBILITIES

Follow-up investigations will generally be performed by the primary investigating officer.

Responsibility for follow-up investigation may be transferred in accordance with the guidelines outlined in Policy 601 - Case File Management.

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Follow-up investigations shall include, when appropriate, the following steps. This list is provided as a guide, recognizing that not all steps will apply to every investigation.

- (a) Review and analyze the preliminary investigation report(s). This should include statements, photographs, evidence, inventoried property and any other information contained in the preliminary case file.
- (b) Conduct additional interviews and interrogations in compliance with department policy and state law.
- (c) Gather additional information from the victim(s), witness(es), officers, other agencies, electronic databases, informants, et cetera.
- (d) Conduct surveillance consistent with department policy and state law.
- (e) Arrange for the dissemination of information to other department members and/or agencies.
- (f) Plan, organize, and execute searches in accordance with department policy and state law. Search warrants shall be obtained and executed in accordance with Policy 349 - Warrant Service.
- (g) Identify, collect, and preserve items of physical evidence.
- (h) Identify and apprehend suspects and determine their involvement in other crimes.
- (i) Prepare supplemental reports and submit them for review and approval in a timely manner.
- (j) Prepare cases for court presentation and assist with prosecution.
- (k) Ensure that contact with the principals in the case is maintained — indicating that the department is genuinely concerned about the welfare of the victim and other citizens associated with the case. The officer shall work with the Marathon County Victim/Witness Response staff person in providing this contact.

602.6 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

Suspects being interviewed in a non-custodial setting need not be advised of their Miranda rights if they clearly understand they are not being detained and are free to leave or terminate the interview.

The courts have ruled that the environment of the interview must lead a reasonable person to conclude that the person may leave or terminate the interview at will.

602.6.1 ADMINISTERING MIRANDA

When administering Miranda:

- (a) Miranda warnings shall be read by officers from a department form or similar card containing this information to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it may preclude officers from testifying in court as to the precise wording used.
- (b) Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently

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waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

1. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever practicable on the appropriate department form.

602.6.2 INVOKING RIGHT TO COUNSEL

Concerning invoking right to counsel:

- (a) When a suspect makes reference to counsel but his/her intentions are unclear, officers may question the suspect further to clarify his/her intentions.
- (b) When a suspect invokes his/her right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless:
 1. The suspect's attorney is present at the questioning; or
 2. The suspect initiates new contact with the police. In this case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.

602.6.3 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a felony shall be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Wis. Stat. § 968.073(1)(a)); Wis. Stat. § 968.073(2)).

- (a) Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):
 1. The person refused to respond or cooperate in the interrogation if a recording was being made. The refusal shall be recorded or documented in a written report.
 2. The statement was made in response to a question asked as part of the routine processing.
 3. The statement was made spontaneously and not in response to a question.
 4. The officer in good faith failed to make a recording because the recording equipment did not function, malfunctioned, stopped operating or the officer inadvertently failed to operate the equipment properly.
 5. Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.
 6. The officer conducting the interrogation believed at the commencement of the interrogation that the offense for which the person was taken into custody or for which the person was being investigated was not a felony.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

602.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

Sexual Assault Investigations

603.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; and Wis. Stat. § 948.095.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

603.2 POLICY

It is the policy of the Wausau Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

603.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

Sexual Assault Investigations

603.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

603.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

603.4.2 POLYGRAPH EXAMINATIONS

Victims shall not be asked or required to take a polygraph examination nor shall an officer suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (42 USC § 3796gg-8; Wis. Stat. § 968.265).

603.4.3 VICTIM CONFIDENTIALITY

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

603.4.4 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

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If resources allow, kits or biological evidence from all rape cases, including cases where the suspect is known by the victim, should be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence (Wis. Stat. § 175.405).

603.4.5 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a rape case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

603.4.6 AUDITING CASE DISPOSITIONS

The SART and/or victim advocates may periodically review/audit case dispositions.

603.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

603.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes, but is not limited to, the following topics:
 - 1. Initial response to sexual assaults
 - 2. Legal issues
 - 3. Victim advocacy
 - 4. Victim's response to trauma
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
 - 1. Interviewing sexual assault victims
 - 2. SART
 - 3. Medical and legal aspects of sexual assault investigations

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4. Serial crimes investigations
 - (c) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)

Asset Forfeiture

604.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Wausau Police Department seizes property for forfeiture or when the Wausau Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - This includes:

- (a) Property, real or personal, including money, used in the course of, intended for use in the course of, or directly or indirectly derived from or realized through the commission of any crime (Wis. Stat. § 973.075).
- (b) Motor vehicles, boats and planes which are used in any of the following ways (Wis. Stat. § 973.075):
 1. To transport any property or weapon used, to be used or received in the commission of any felony.
 2. To commit a crime involving impersonating peace officers, firefighters or other emergency personnel in violation of Wis. Stat. § 946.70.
 3. In the commission of prostitution (Wis. Stat. § 944.30); patronizing prostitutes (Wis. Stat. § 944.31); soliciting prostitutes (Wis. Stat. § 944.32); pandering (Wis. Stat. § 944.33); keeping a place of prostitution (Wis. Stat. § 944.34); human trafficking (Wis. Stat. § 940.302); sexual assault of a child (Wis. Stat. § 948.02); engaging in repeated acts of sexual assault of the same child (Wis. Stat. § 948.025); sexual exploitation of a child (Wis. Stat. § 948.05); trafficking of a child (Wis. Stat. § 948.051); causing a child to view or listen to sexual activity (Wis. Stat. § 948.055); incest with a child (Wis. Stat. § 948.06); child enticement (Wis. Stat. § 948.07); soliciting a child for prostitution (Wis. Stat. § 948.08); sexual intercourse with a child age 16 or older (Wis. Stat. § 948.09); exposing genitals (Wis. Stat. § 948.10); or possession of child pornography (Wis. Stat. § 948.12).

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4. In the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47.
 5. To cause more than \$2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2)(d) or Wis. Stat. § 943.012.
 6. In the commission of any of the following crimes:
 - (a) Domestic abuse restraining orders and injunctions (Wis. Stat. § 813.12(8)).
 - (b) Child abuse restraining orders and injunctions (Wis. Stat. § 813.122(11)).
 - (c) Restraining orders and injunctions for individuals at risk (Wis. Stat. § 813.123(10)).
 - (d) Harassment restraining orders and injunctions (Wis. Stat. § 813.125(7)).
 - (e) Foreign protection orders (Wis. Stat. § 813.128(2)).
 - (f) Stalking (Wis. Stat. § 940.32).
- (c) Property which is used, or intended for use, as a container for either controlled substances or objects used to manufacture, deliver, distribute, etc., controlled substances (Wis. Stat. § 961.55).
 - (d) Vehicles used to sell or receive controlled substances (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).
 - (e) Vehicles used to transport any property or weapon used, to be used or received in the commission of any felony under the Uniform Controlled Substances Act (simple possession of a controlled substance is generally excluded) (Wis. Stat. § 961.55).
 - (f) Property, real or personal, including money, directly or indirectly derived from or realized through the commission of any crime under the Uniform Controlled Substances Act (Wis. Stat. § 945.05).
 - (g) A motor vehicle or aircraft used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of illegal gambling devices (Wis. Stat. § 945.05).
 - (h) Real or personal property used in the course of, or intended for use in the course of, derived from, or realized through, racketeering or an ongoing criminal enterprise (Wis. Stat. § 946.86; Wis. Stat. § 946.87)
 - (i) Cigarettes acquired, owned, imported, possessed, kept, stored, made, sold, distributed or transported in violation of Chapter 139 (Tobacco Taxes) and all personal property used in connection therewith (Wis. Stat. § 139.40).
 - (j) Any property used in the commission of an unauthorized release of animals (Wis. Stat. § 943.74).
 - (k) Any property used in the commission of a child enticement (Wis. Stat. § 948.07).
 - (l) Bootlegged recordings and devices to make them (Wis. Stat. § 943.207 et. seq.).

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Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

604.2 POLICY

The Wausau Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Wausau Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

604.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

604.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order (Wis. Stat. § 968.13; Wis. Stat. § 973.075; Wis. Stat. § 961.55).
- (b) Property subject to forfeiture not identified in a search warrant or court order may be seized in any of the following circumstances:
 1. The seizure is legal as incident to an arrest or an inspection under an administrative or inspection warrant.
 2. There is probable cause to believe that the property:
 - (a) Was derived from or realized through a crime or was used for child enticement under Wis. Stat. § 948.07 (Wis. Stat. § 973.075).
 - (b) Is a vehicle which was used to transport any property or any weapon that was used, was to be used or was received in the commission of any felony, used in the commission of a crime relating to a submerged cultural resource in violation of Wis. Stat. § 44.47, used in the commission of child enticement under Wis. Stat. § 948.07, or used to cause more than \$2,500 worth of criminal damage to cemetery property in violation of Wis. Stat. § 943.01(2) (d) or Wis. Stat. § 943.012 (Wis. Stat. § 973.075).
 3. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act, that the property was derived from or realized through a crime under the Uniform Controlled Substances Act or that the property is a vehicle subject to forfeiture under the Uniform Controlled Substances Act (Wis. Stat. § 961.55).

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4. There is probable cause to believe that the property is directly or indirectly dangerous to health or safety (Wis. Stat. § 961.55; Wis. Stat. § 973.075).
- (c) The officer reasonably believes that a vehicle or aircraft was used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of gambling devices as set forth in Wis. Stat. § 945.05.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

604.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) A vehicle used by any person as a common carrier in the transaction of business unless it reasonably appears to the officer that the owner or other person in charge of the vehicle is a consenting party or privy to the violation (Wis. Stat. § 961.55; Wis. Stat. § 973.075).
- (c) Any vehicle if the officer reasonably knows the owner did not have knowledge of the offense or consent to the vehicle's use (Wis. Stat. § 961.55; Wis. Stat. § 973.075).
- (d) A vehicle used for a simple possession in a controlled substance violation under Wis. Stat. § 961.41(3g)(b) to Wis. Stat. § 961.41(g) (Wis. Stat. § 961.55).

604.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and any applicable forms.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the appropriate supervisor.

604.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

604.6 FORFEITURE REVIEWER

The Chief of Police may appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer may include:

- (a) Remaining familiar with forfeiture laws, particularly Wis. Stat. § 973.075 et seq., Wis. Stat. § 961.55 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.

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2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Special Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

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- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Wausau Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

604.7 DISPOSITION OF FORFEITED PROPERTY

- (a) When property is forfeited by order of a court under the Uniform Controlled Substances Act, the Wausau Police Department shall do one of the following (Wis. Stat. § 961.55):
1. Retain it for official use.
 2. Sell that which is not required to be destroyed by law and which is not harmful to the public. This department may use 50 percent of the amount received for payment of forfeiture expenses (this includes all proper expenses of the proceedings for forfeiture and sale, expenses of seizure, maintenance of custody, advertising and court costs, and the costs of investigation and prosecution reasonably incurred). The remainder shall be deposited in the school fund as proceeds of the forfeiture.
 3. Forward it to the appropriate bureau for disposition.
 4. If the property forfeited is money not exceeding \$2,000, up to 70 percent of that amount may be retained for expenses with 30 percent minimum going to the school fund.
 5. If the property forfeited is money in excess of \$2,000, 50 percent of the amount may be retained for expenses with 50 percent minimum going to the school fund.
- (b) When property is forfeited by order of a court as derived from a crime under Wis. Stat. § 973.075 through Wis. Stat. § 973.077, the following applies (Wis. Stat. § 973.075):
1. The property that is not required by law to be destroyed or transferred to another agency may be sold.
 2. This department may deduct 50 percent of the amount received for administrative expenses of seizure, maintenance of custody, advertising and court costs, and the costs of investigation and prosecution reasonably incurred. The remainder shall be deposited in the school fund as the proceeds of the forfeiture.
 3. If the property forfeited is money, all the money shall be deposited in the school fund.
 4. This department may retain any vehicle for official use or sell the vehicle.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization

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to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of confidential informants (CIs). In many instances, a successful investigation cannot be conducted without the use of a confidential informant (CI). While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the insufficient oversight by the officer(s) utilizing the informant. Therefore, it is department policy to take necessary precautions by developing sound informant control procedures.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential informant - A person who provides information about criminal activity to law enforcement officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime (Wis. Stat. § 19.36(8)).

605.2 CRITERIA FOR INFORMANT SELECTION

An informant is any person who has information pertinent to law enforcement and offers the information under the following conditions:

- (a) Requests anonymity.
- (b) Requests payment for the information.
- (c) Offers the information in return for consideration on a criminal or civil charge.

There are many factors that must be considered when deciding to use a person as a confidential informant. Officers should keep the following factors in mind:

- (a) Age, sex and residency status of the person.
- (b) Immigration status.
- (c) Employment status or occupation.
- (d) Affiliation with legitimate businesses and illegal or suspicious enterprises.
- (e) Extent to which potential information, associations or other assistance could benefit a present or future investigation.
- (f) The confidential informant's motivation in providing information or assistance.
- (g) Relationship between the informant and the target of an investigation.
- (h) Risk that the informant might adversely affect an existing or future investigation.
- (i) Extent to which provided information can be corroborated.
- (j) Prior record as a witness.
- (k) Criminal history.
- (l) Whether the informant is a substance abuser.

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- (m) Whether the informant is related to anyone in law enforcement.

605.3 PRECAUTIONS

Before using an individual as a confidential informant, an officer shall:

- (a) Receive approval from their supervisor.
- (b) In cases where the informant expresses intent to cooperate in return for consideration on a criminal or civil charge, shall consult with the appropriate prosecutor.
- (c) When applicable, obtain permission from the potential informant's Probation/Parole Agent before utilizing the person as an informant. Special care and consideration should be taken before using an informant that is currently on probation or parole.
- (d) Review all rules for cooperation and obtain his/her signature, which shall acknowledge understanding and agreement.
- (e) Complete the Confidential Informant Information Sheet.
- (f) Supply requisite information to the Special Investigations Unit and obtain a unique confidential informant control number.

605.3.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Wausau Police Department shall knowingly maintain a social or non-authorized business relationship or otherwise become intimately involved with a confidential informant. Members of the Wausau Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, officers must adhere to the following:

- (a) Officers shall not withhold the identity of an informant from the Chief of Police, a Bureau Commander, the Special Investigations Unit supervisor, the Community Resource Unit supervisor or their authorized designees.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Wausau Police Department and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of a supervisor.
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of his/her supervisor. Officers may meet informants of the opposite sex alone in an occupied public place, such as a restaurant. When contacting informants of either sex for the purpose of making payments, officers shall arrange for the presence of another officer whenever reasonably possible.

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- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

605.3.2 JUVENILE INFORMANTS

For purposes of this policy, a "juvenile informant" means any juvenile who participates on behalf of this department in a pre-arranged transaction, with direct face-to-face contact, with a suspected violator.

A cooperating juvenile who assists this department in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

The use of juveniles 12 years old and younger as informants is prohibited. Juveniles who are 13 to 17 years old may only be used as informants with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

605.4 USE OF INFORMANTS BY PATROL OFFICERS

The use and management of confidential informants shall be restricted to those members assigned to the Community Resource Unit, Special Investigations Unit, or Detective Bureau. Unless approved by a supervisor of one of the aforementioned units/division, patrol officers shall refrain from establishing and maintaining confidential informants. Patrol officers are encouraged to refer interested persons or relevant information to the appropriate unit/division for necessary follow-up.

605.5 INFORMANT CONFIDENTIALITY REQUIREMENTS AND FILE SYSTEM

The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

605.5.1 CONFIDENTIALITY REQUIREMENTS

An informant's name shall not appear in a police report which pertains to the case in which the informant is offering information. Police reports are available under the Freedom of Information Act, as well as other motions for discovery. Therefore, anonymity of informants should be protected through the following means:

- (a) All confidential informants shall be assigned an informant control number (e.g. CI-100).
- (b) Confidential informants should be referred to in police reports by his/her informant control number, as "he/she", or "the informant".

Unauthorized disclosure of confidential information or the identity of confidential informants shall be considered a serious violation of professional trust. Willful or malicious disclosure of such information could result in criminal action.

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605.5.2 MASTER NAME FILE

The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining an informant master name file. The master name file will be in digital format and password protected to prevent unauthorized access. Edit privileges belong to the Special Investigations Unit supervisor or his/her designee(s). The master name file will include:

- (a) Informant Control Number.
- (b) Name of confidential informant.
- (c) Date of birth for the confidential informant.
- (d) Phone number for the confidential informant.
- (e) Date of confidential informant sign up.
- (f) Control officer/handler information.

605.5.3 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer, position, address and telephone numbers
- (f) Vehicles owned, registration information and driving status
- (g) Places frequented
- (h) Informant's photograph
- (i) Evidence that a criminal history check has been made
- (j) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined unreliable, the informant's file will be marked as such.
- (k) Name of officer initiating use of the informant
- (l) Signed informant agreement
- (m) Annual status review and update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Special Investigations Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of members of the Wausau Police Department or the reliability of the confidential informant.

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Access to the informant files shall be restricted to the Chief of Police, a Bureau Commander, the Special Investigations Unit supervisor, the Community Resource Unit supervisor or their authorized designees. The Special Investigations Unit supervisor shall be responsible for maintaining a written log to record the identity of any authorized individual accessing an informant file, as well as the date, time and reason any file is accessed.

605.6 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

605.6.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

605.6.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of \$15,000 without approval of the Chief of Police.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized, regardless of whether assets are also seized, not to exceed a maximum of \$3,000 without approval of the Chief of Police.

The appropriate supervisor shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

605.6.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signature of the Chief of Police or the authorized designee is required for disbursements over \$500. The disbursement of money shall be handled in accordance with established state law and City policies, ordinances and protocols. Payments of \$500 and under

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may be paid in cash out of the Community Resource Officer (CRO) unit or Patrol Bureau buy/expense petty cash fund. The CRO supervisor or Patrol Lieutenant will be required to sign the voucher for amounts under \$500.

The CRO buy/expense petty cash fund is managed by the CRO supervisor in compliance with the Cash Handling, Security and Management Policy. These funds shall be maintained in a locked cash box that is secured in a locked cabinet, desk or drawer in the CRO supervisor's office. This office will be secured whenever it is unoccupied.

The Patrol Bureau buy/expense petty cash fund is a petty cash fund managed by the Patrol Lieutenant in compliance with the Cash Handling, Security and Management Policy. These funds shall be maintained in a locked cash box that is secured in a locked cabinet, desk or drawer in the Patrol Lieutenant's office. This office will be secured whenever it is unoccupied. To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

605.6.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the confidential informant should be provided IRS 1099 Form (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

605.6.5 AUDIT OF PAYMENTS

At least once every six months the Chief of Police or the authorized designee shall conduct a thorough audit of all informant funds for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

Eyewitness Identification

606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Wis. Stat. § 175.50).

606.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness Identification Process -Any field identification, live lineup or photographic identification.

Field Identification or Show-up -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live Line-up -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic Line-up or Photo Array - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

606.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

606.3 GENERAL RULES FOR EYEWITNESS IDENTIFICATION

When Unnecessary: An eyewitness identification procedure may be unnecessary when the witness:

- (a) Would be unable to recognize the person who committed the offense being investigated; or
- (b) Knew the identity of the suspect before the offense occurred; or
- (c) Learned the suspect's identity without police assistance after the offense.

Avoid Multiple Viewers in the Field: A suspect or likeness of the suspect (photograph, composite drawing) should not be shown to more than one witness at a time.

Avoid Viewer's Suggestions: A witness who has taken part in an identification procedure must not be permitted to state conclusions within hearing distance of another person who is about to be, or has been, a viewer of the line-up, show-up, or photo array.

Avoid Officer's Suggestions: A police officer must not, by word or gesture, whether directly or indirectly, suggest opinions to any witness that the suspect committed the crime. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.

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Instructions to Witnesses: Instructions to witnesses must be given before conducting a live or photographic line-up, or a show-up.

Maintaining a Record: A complete record of each identification procedure must be made. The time, location, and the identity of those present, including persons being viewed who are not the suspect, must be noted. Statements made by a witness viewing the suspect must be documented, along with any significant remarks made by an officer, lawyer, or suspect.

606.4 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

606.5 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Captain shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

606.6 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a line-up is in any way connected to the case. Officers should avoid mentioning that:

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- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a line-up individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

606.7 SHOW-UPS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live line-up identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo line-up is the preferred course of action if eyewitness identification is contemplated. No person has the right to have a lawyer present during a show-up procedure.

An officer shall assess whether a witness should be included in a field identification process by considering:

- (a) The length of time the witness observed the suspect.
- (b) The distance between the witness and the suspect.
- (c) Whether the witness could view the suspect's face.
- (d) The quality of the lighting when the suspect was observed by the witness.
- (e) Whether there were distracting noises or activity during the observation.
- (f) Any other circumstances affecting the witness's opportunity to observe the suspect.
- (g) The length of time that has elapsed since the witness observed the suspect.

When initiating a field identification, the officer should observe the following guidelines:

- (a) A detailed description of the perpetrator should be obtained and documented from the witness(es) prior to conducting the show-up.
- (b) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
- (c) The witness shall be read aloud the witness instructions:
[See attachment: Show-ups_Witness Instructions.pdf](#)
- (d) The witness should then be asked to read and sign the section of the form which represents their understanding of the show-up procedure. If a witness declines to sign, it is sufficient for the officer to document that the witness was appropriately instructed.

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- (e) If possible and safe, have the witness view the suspect while the suspect is not restrained by handcuffs or by the officer, and while outside the police vehicle, not at the Jail or Police Station and not in Jail attire.
- (f) After the witness views the suspect, ask the witness, "Is this the person you saw [insert description of act]?" If the witness answers "Yes", ask the witness, "In your own words, can you describe how certain you are?"
- (g) Suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
- (h) Record the witness's responses to each question, using the witness's own words when possible.
- (i) Document the show-up findings on the bottom section of the witness instructions form.
- (j) A digital image of the suspect as he/she appeared at the show-up shall be taken and submitted as photographic evidence according to department guidelines.
- (k) When one of multiple witnesses makes identification during a show-up, a photo array or live lineup should be used for the remaining witnesses.
- (l) If there are two or more suspects, the witness should view separate show-ups – suspects should not be shown to the witness at the same time.
- (m) The completed show-up witness instructions form shall be submitted with the Incident Report Routing Slip.

606.8 LIVE LINE-UPS

A live line-up should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

606.8.1 EXCEPTIONS

When identification by witness may be obtained, a live line-up may be held following the arrest of a suspect, unless one of the following circumstances makes the lineup unwise or impractical:

- (a) A lack of suitable persons to include in the line-up is available due to the unusual appearance of the suspect.
- (b) The witness knew the identity of the suspect before the offense occurred or learns the identity without police assistance after the offense; or the prospective viewer has had an opportunity to identify the suspect in an earlier eyewitness identification procedure.
- (c) The suspect is in custody at a place too far from the witness.
- (d) The suspect threatens to disrupt the line-up.
- (e) The suspect was released on bond or recognizance, before being viewed, and a court order has not yet been obtained ordering the suspect to appear in a line-up.

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606.8.2 RIGHT TO A LAWYER

A suspect should be advised that he/she has the right to have a lawyer present for any live line-up and has the right to have a lawyer appointed for this purpose if he/she cannot afford one.

- (a) If the suspect is in custody, ensure they have been informed of their right to counsel if the matter involves a crime or possible criminal charges; the suspect will be given an opportunity to retain counsel or request that one is provided.
- (b) Obtain a written waiver should the suspect waive his/her right to counsel.
- (c) Allow the counsel representing the accused sufficient time to confer with his/her client before the live line-up and observe the manner in which the live line-up is conducted.

606.8.3 COMPOSING THE LINE-UP

When composing a line-up, the officer should observe the following guidelines:

- (a) Only one suspect will be included at a time in each lineup.
- (b) Whenever possible, include a minimum of four fillers (non-suspects) per line-up. Increasing the number of fillers tends to increase the reliability of the procedure. Fillers must willingly participate in the process.
 - 1. Fillers placed in the lineup should have approximately similar physical characteristics. Factors such as height, weight, hair color and length, and physical build should be considered. Sex and race should be the same for all participants. No person should stand out from the rest.
- (c) Ensure that all persons in the live lineup are numbered consecutively and refer to them only by number.
- (d) Always lead the line-up with a non-suspect filler as witnesses are reluctant to identify someone in the first position and, if that person is the suspect, a misidentification may result.
- (e) Precautions should be taken to ensure that witnesses do not encounter suspects or fillers at any time before or after the identification procedure.

606.8.4 CONDUCTING THE LINE-UP

Whenever possible, live line-ups should be conducted by an officer who does not know which person in the line-up is the suspect. If an officer who does not know which person in the line-up is the suspect is not available, the investigating officer will be allowed to conduct the line-up, taking great care to avoid any unintentional cues to the witness.

When conducting a line-up, the officer should observe the following guidelines:

- (a) If practical, and when available, the entire line-up procedure should be AV recorded. When not practical or available, photographs should be taken at all line-ups.
- (b) To the extent possible, ensure that no one who knows the suspect's identity is present during the line-up procedure except defense counsel (if present) and district attorney (if present).
- (c) The witness shall be read aloud the witness instructions:
[See attachment: Live Lineups_Witness Instructions.pdf](#)

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- (d) Witnesses should then be asked to read and sign the section of the form which represents their understanding of the live line-up procedure. If a witness declines to sign, it is sufficient for the officer to document that the witness was appropriately instructed.
- (e) All lineup participants should be out of view of the witness prior to the start of the identification process. Each individual will be presented separately, in a previously determined order, removing those previously shown from the field of view.
- (f) After each individual is shown, the witness should be asked "Is this the person you saw [insert description of act]?" If the witness answers "Yes", ask the witness, "In your own words, can you describe how certain you are?" Whether or not this is possible, document the witness's response using his/her exact words when possible.
- (g) Even if the witness makes identification, show the witness the next subject until all subjects have been shown. If a witness questions why he/she must view the rest of the subjects despite already making an identification; inform the witness that it is standard department procedure.
- (h) Make sure all involved do not give the witness any feedback regarding the individual selected or comment on the outcome of the identification procedure in any way. Witnesses may perceive such things as unintentional voice inflection or prolonged eye contact, in addition to off-handed words or phrases, as messages regarding their selection. Avoid casual comments such as "very good."
- (i) Only upon the request of the witness, he or she may view one or more of the subjects again after the lineup has been completed. If this occurs, have them view the entire live line-up in sequential order and document it.
- (j) The officer conducting the line-up shall complete the bottom portion of the line-up witness instructions form concerning the results. The witness should be requested to sign and date that record.
- (k) Complete the live line-up worksheet:
[See attachment: Live Lineups_Worksheet.pdf](#)
- (l) Submit the completed witness instructions and line-up worksheets with the Incident Report Routing Slip.
- (m) When showing a different suspect to the same witness, do not reuse the same fillers from a previous line-up shown to that witness.

606.9 PHOTO ARRAYS

Officers shall use, whenever possible, sequential presentation procedures when showing suspect photographs to witnesses. In sequential photographic lineups, each photograph is presented separately to the witness, in a pre-determined order, removing each photo from the witnesses' sight after it is viewed. When suspect identification is deemed necessary, photo arrays are the preferred method for identification. Show-ups and live line-ups shall only be used in accordance with this policy and under such circumstances where the photo array process is not a reasonable option.

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Eyewitness Identification

606.9.1 COMPOSING THE PHOTO ARRAY

When composing a photo array, the officer should observe the following guidelines:

- (a) Include only one (1) suspect in each identification procedure. If multiple photos of the suspect are available, choose the photo that most resembles the suspect's appearance at the time of the crime. If you do not know what the suspect looked like at the time of the crime, choose the photo that most resembles the description of the perpetrator.
- (b) Include a minimum of five (5) fillers (non-suspects) per identification procedure. Select fillers (non-suspects) who generally fit the witness' description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect; fillers should resemble the suspect in significant features.
- (c) Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
- (d) Once completed, view the array to ensure that the suspect does not unduly stand out.
- (e) Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition and never mix mug shots with other snapshots or include more than one photo of the same suspect. Cover any portions of mug shots or other photographs that provide identifying information on the subject.
- (f) Gather folders of equal size and color, each large enough to hold and conceal one photograph.
- (g) Gather two extra folders in addition to the ones that will hold the photographs, placing them off to the side.
- (h) Place a non-suspect's filler photograph in one folder and set that folder aside.
- (i) Randomly place the remaining photos (suspect and non-suspect fillers) into the remaining empty folders, one photo per folder. Shuffle the folders so that you no longer know which folder contains the suspect's photo. This shuffling is intended to ensure that you will not be in a position to unintentionally influence the witness' selection. Place shuffled folders in a pile.
- (j) Place the single folder that was set aside on top of the piled folders. This assures that the suspect is never the first photo in the viewing process.
- (k) Place the two empty folders at the bottom of the pile. The empty folders are used so the witness does not know when they have seen the last photo.
- (l) Using the same marking device, number all the folders on the outside cover in numerical order, beginning with 1. These numbers should be of similar size and placed in the same location on each folder so that no one folder stands out from any other.

606.9.2 CONDUCTING THE PHOTO ARRAY

When conducting a photo array, the officer should observe the following guidelines:

- (a) Ensure that no writings or information concerning previous identification results is visible to the witness.
- (b) Ensure that multiple witnesses (when applicable) are positioned in an area outside of earshot and sight where the viewing will take place.

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- (c) When applicable, seat the witness at a desk or table and place the pile of folders in front of the witness, ensuring the folders are in numerical order.
- (d) Position yourself close enough to the witness to verbally communicate with him/her but in a place where the witness will be able to view a photo without your being able to see the photo. This is done to assure that the officer does not know what photo the witness is viewing.
- (e) Provide the witness with a copy of the witness instructions for the photo array procedure and read aloud the instructions to the witness as printed on WPD form titled "Photo Array Procedure-Witness Instructions."
[See attachment: Photo arrays_Witness Instructions.pdf](#)
- (f) Witnesses should be asked to read and sign the section of the form which represents their understanding of the photo array procedure. If a witness declines to sign, it is sufficient for the officer to document that the witness was appropriately instructed.
- (g) Hand first folder to the witness for viewing, making sure you cannot see who is in the photo and inform the witness not to show you the photo. When the witness is done viewing the photo, he/she will close the folder and hand it back to you.
- (h) Ask the witness: "Is this the person you saw [insert description of act here]?" If the witness answers "yes", ask the witness, "In your own words, can you describe how certain you are?"
 - 1. Attempt to record the exact words used by the witness when describing how certain he/she is when identification is made.
 - 2. Using the department's "Photo Array Worksheet", record the folder number in which the photo was identified as the perpetrator in section (13).
[See attachment: Photo arrays_Worksheet.pdf](#)
- (i) Even if the witness makes identification, hand the witness the next folder until you have gone through all folders containing photos. The two blank folders on the bottom of the pile shall not be provided to the witness.
- (j) Only upon request of the witness may he/she view one or more of the photos again after the photo procedure has been completed. Additional viewing must be thoroughly documented. The officer conducting the array should never suggest additional viewing.
- (k) If a positive identification is made, the officer shall retrieve the folder containing the photo identified as the perpetrator and have the witness sign and date the front of that photograph.
- (l) Instruct the witness that you will not provide any feedback regarding the individual(s) selected or comment on the outcome of the identification procedure. Be aware that witnesses may perceive such things as voice inflection, body language, prolonged eye contact, and off-handed words or phrases as messages regarding their selection.
- (m) The officer conducting the photo array shall use the department's "Photo Array Worksheet" to document the procedure used; filling in sections 1-9 prior to the viewing process and 10-15 after the viewing has been completed.

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- (n) The officer conducting the photo array shall complete the bottom portion of the “Photo Array Procedure - Witness Instructions” form concerning the results. The witness should be requested to sign and date that record.
- (o) Individual photographs must be preserved in the numbered folders in which they were displayed to the witness and placed into evidence according to department policy, regardless of whether the perpetrator was identified. The entire photo array may be considered one item of property.
- (p) The completed “Photo Array Worksheet” and “Photo Array Procedure - Witness Instructions” forms shall be attached to the Incident Report Routing Slip.

A new photo array procedure must be used when showing a suspect to a new witness. Repeat fillers (non-suspects) may be used in the new array. When showing a different suspect to the same witness, do not reuse the same fillers from a previous array shown to that witness. The same witness is not to be shown the same suspect in a different photo array since by the process of elimination the witness could determine the individual very easily.

No suspect has a right to have an attorney present at any pictorial identification procedure, whether it takes place before or after an arrest.

606.10 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (Wis. Stat. § 175.50).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

606.11 POLICY REVIEW

At a minimum, the Department will biennially review the Eyewitness Identification policy. In developing and revising the policy, the Department will consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

Brady Material Disclosure

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

607.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Wausau Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

607.2 POLICY

The Wausau Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Wausau Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

607.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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Brady Material Disclosure

607.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

607.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

Vice, Drugs and Organized Crime

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for receiving, processing, recording, and investigating vice, drug and organized crime complaints.

608.2 DEFINITIONS

Covert Operations - Specialized police investigations that target vice, drug and organized crime activity. Investigative techniques include, but are not limited to surveillance, undercover, decoy and raid procedures. Covert operations may be used to gather criminal intelligence information.

608.3 POLICY

It is the policy of the Wausau Police Department that every sworn officer clearly recognizes his/her responsibility to suppress organized crime and various vice activities. The investigation of vice, drugs and organized crime through covert operations will be the primary responsibility of the Community Resource Unit and Investigation Division.

608.4 GUIDELINES

It is the responsibility of the Community Resource Unit and Investigation Division to coordinate and oversee vice, drugs and organized crime investigations. The Patrol Captain(s) and Investigation Division Commander will coordinate the assignment of personnel to conduct criminal investigations into all allegations of the following:

- (a) Vice Activities
 - 1. Gambling
 - 2. Prostitution
 - 3. Pornography
- (b) Illegal Drugs
 - 1. Possession
 - 2. Distribution
 - 3. Manufacturing
- (c) Organized Crime
 - (a) Loan sharking operations
 - (b) Labor racketeering
 - (c) Corruption
 - (d) Extortion
 - (e) Bribery

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- (f) Theft/Fencing rings
- (g) Illegal sale and/or possession of firearms or other weapons
- (h) Gangs and gang related activity

608.5 DRUG INVESTIGATIONS

When personnel levels allow, the department will assign an officer(s) to the Special Investigations Unit and Community Resource Unit. Drug investigations involving distribution and manufacturing will be referred to either the Special Investigations Unit or Community Resource Unit for investigation.

608.6 RECEIVING AND PROCESSING COMPLAINTS OF VICE, DRUGS AND ORGANIZED CRIME VIOLATIONS

Complaints regarding vice activities, drug related activities or organized crime activities will come into the department through various sources. Officers receiving information about any of these activities will forward applicable information to the Community Resource Unit or Investigation Division. The Community Resource Unit Lieutenant and/or Investigation Division Commander will coordinate the processing of the investigation by referring it to the appropriate personnel.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report should document the circumstances and may investigate as deemed appropriate. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition. The supervisor should notify the appropriate Bureau Commander of the result of his/her investigation.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and replaced with comparable department property as soon as available and following notice to a supervisor.
- (c) Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any department property becomes damaged or unserviceable, no employee should attempt to repair the property without prior approval of a supervisor.

700.3 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes

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to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) Documentation of the damage should be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Wausau, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Commander.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The City of Wausau has established and implemented a city-wide Wireless Telecommunication Policy. The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices. This policy is available on the City of Wausau's Intranet website, under the Human Resources [page](#) (if link is broken, copy and paste this address into your browser: <http://intranet/City/Departments/HumanResources/HRPolicies.aspx>).

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition, and forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or in need of repair.

702.2.1 REMOVAL OF WEAPONS

All firearms and other weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall refuel their patrol vehicle at or near the end of their tour of duty.

702.4 WASHING OF VEHICLES

Department vehicles should be kept clean and washed as necessary to enhance their appearance. Officers on patrol should obtain clearance from the dispatcher before using the car wash.

702.5 NON-SWORN EMPLOYEE USE

Non-sworn employees are not authorized to operate a marked patrol vehicle without approval from a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Wausau to provide assigned take-home vehicles.

703.2 POLICY

The Wausau Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Patrol Lieutenant shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Patrol Lieutenant. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Bureau Commander approval.

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All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.4 KEYS

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

703.3.5 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.6 ALCOHOL

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

703.3.7 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.9 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or

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utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall notify his/her supervisor. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, investigators), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Wausau is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Wausau may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Bureau Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Bureau Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.

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- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee.
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Wausau Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members who are assigned a vehicle are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members should make periodic inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule as notified by the Department of Public Works (DPW).

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703.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Wausau Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Safety and Health Program Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Lead Tactical Instructor shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133, Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.50.

704.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

704.7 RESPIRATORY PROTECTION

The Administrative Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Wis. Stat. § 101.055, Wis. Admin. Code § SPS 332.50):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

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- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Wis. Stat. § 101.055, Wis. Admin. Code § SPS 332.50).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

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704.8 RECORDS

The Training Officer is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule (29 CFR 1910.1020; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

704.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Wis. Stat. § 101.055; Wis. Admin. Code § SPS 332.50).

Chapter 8 - Support Services

Records Bureau

800.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Wausau Police Department Records Bureau.

800.2 POLICY

It is the policy of the Wausau Police Department to maintain department records securely, professionally, efficiently and in accordance with all applicable Wisconsin State Statutes.

800.3 ORGANIZATION OF RECORDS BUREAU

The Administrative Supervisor shall serve as the Custodian of Records and provide management for the Records Bureau. The Chief of Police may designate certain responsibilities to the Records Bureau. The Records Bureau consists of civilian personnel who hold various duties and responsibilities based upon job classification.

800.4 RECORDS BUREAU AVAILABILITY

The hours of operation of the Records Bureau component responsible for front counter/reception service will be Monday through Friday from 8:00 A.M. to 4:30 P.M. The front counter/reception area will be staffed at all times during these hours. The duty hours of Records Bureau personnel not assigned front counter/reception will be determined by the Administrative Supervisor.

800.5 RESPONSIBILITIES

The Records Bureau responsibility is to insure the integrity and security of the centralized records system, data entry, report control, report retrieval, and handling requests for the release of information. The Records Bureau also serves as the department's public information answering point in addition to performing various administrative tasks that assist department operations.

800.5.1 ADMINISTRATIVE SUPERVISOR RESPONSIBILITIES

The Chief of Police shall appoint and delegate certain responsibilities to the Administrative Supervisor. The Administrative Supervisor shall be directly responsible to the Chief of Police or the authorized designee. The responsibilities of the Administrative Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).

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- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving Wausau Police Department members or public officials
 - 3. Any case where restricted access is prudent

As the Custodian of Records, the Administrative Supervisor shall also be responsible for:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
- (g) Ensuring the prominent display of information regarding the department's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).

800.5.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the Records Bureau include, but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.

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800.5.3 RECORDS BUREAU PROCEDURE MANUAL

The Administrative Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

800.6 RECORDS SECURITY

The Records Bureau will be responsible for maintaining the security of department records.

Privacy and security precautions will at a minimum include:

- (a) Separation of juvenile criminal records from adult criminal records.
- (b) Appropriate security measures for, and limitation of access to, agency files.

800.6.1 JUVENILE RECORDS

§ 48.396 and § 938.396, Wis. Stats., require records of juveniles to be kept separate from records of adults. The records system will distinguish between adult and juvenile criminal records to prevent unauthorized access to and release of juvenile records. For those records that are maintained in file folders, the Records Bureau personnel, using the case number of the record, shall create a file label, affix such label to the folder end tab, and store on the shelves in the records storage room. For Incident Reports involving juveniles, the case number on the label shall be accented with an orange reference marker. Digital records, including those in the department's Record Management System (RMS) shall be flagged as containing "juvenile" information.

The department does not routinely collect juvenile photographs or fingerprints in the course of its operations. The Marathon County Sheriff's Department is responsible for the collection, retention, storage and release of fingerprints and photographs of arrested/booked juveniles. Only authorized users may gain access to this information and any release of information shall be in accordance with the Records Maintenance and Release Policy.

800.6.2 SECURITY MEASURES

Department personnel shall have access to department records 24 hours a day, 7 days a week.

Officers shall treat all information contained in department records as confidential. No member of the department will disseminate information without prior approval from the Chief of Police or his/her designee.

All physical record files shall be stored within the Records Storage Room. During non-business hours an automated locking device for the Records Storage Room is activated and the room is secured. Access may only be obtained with the proper key.

For digital records, the City County Information Technology Commission has developed a series of "fire walls" to protect the integrity and security of the Records Management System. Each user

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agency authorizes specific personnel to access certain applications in the management system.

Accessing the applications is accomplished through the use of passwords that are changed systematically.

Much of the information obtained through police computer systems contain confidential and sensitive data which must be carefully controlled to insure that the department is in compliance with applicable local, state, and federal guidelines. Any employee accessing police files or obtaining information from the Records Management System will be held accountable for the appropriate and correct use of information and proper disposition of information. As such, employees will abide by the following restrictions:

- (a) No employee will attempt to gain access to any restricted department agency files or attempt to covertly circumvent any computer security measures.
- (b) No employee shall, without proper authorization, intentionally destroy, conceal, or modify any data that has been entered into any department computer.
- (c) No employee shall, without proper authorization, intentionally alter the operating system of any department computer so as to adversely affect the operation of that computer system.
- (d) An employee who inadvertently accesses restricted or confidential information shall not discuss such restricted or confidential information unless revelation is necessary in the performance of duty.

800.7 CASE NUMBERING SYSTEM

All calls for police services and officer initiated calls shall be issued a unique computer generated event control number at the time the incident is reported. A computer generated case number is obtained after the event number is initiated if a report is authored. Each year on January 1st at 0001 hours, the computer numbering system will begin with the current year and start with number one (ex. 15-000001). Each number thereafter shall be consecutive and shall be separate and distinct for each incident. Each user agency will have its own identifier that depicts the jurisdiction associated with the case numbering system. Records Bureau personnel are responsible for ensuring that all case numbers are properly recorded in the Records Management System.

800.8 ALPHABETICAL MASTER NAME INDEX

The Records Management System maintains an alphabetical master name index that provides a contact summary of information on an individual, on a system-wide basis. The master name index is compiled by entering data in a "contact" field for those persons having been identified in incident and accident reports that include, but are not limited to, names of victims, complainants, suspects, persons arrested, witnesses, persons wanted on warrants, persons involved in traffic accidents, missing persons, and associations.

800.9 TRAFFIC CITATION RECORDS MAINTENANCE

The Department will use the Badger TraCS software for the issuance of traffic citations, municipal ordinance citations and warnings. In addition, the TraCS software should be used for the completion of traffic accidents.

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All citations issued will be recorded by the TraCS software. Blocks of electronic citations loaded onto squad mobile data computers (MDC) are recorded by the TraCS software.

In the event TraCS is not functioning, the Department will maintain a supply of handwritten citations. For handwritten citations, the Administrative Lieutenant is responsible for:

- (a) Recording, by number, Uniform Traffic Citations assigned to officers.
 - 1. A log shall be maintained that includes: beginning citation number; ending citation number; date disbursed; and officer to whom UTCs were issued.
- (b) Accounting for all Uniform Traffic Citations.
 - 1. A log shall be maintained that includes: date UTCs received; beginning citation number; and ending citation number.
- (c) Storing unused citations in a secure area.
 - 1. Unused UTCs shall be stored in the office of the Administrative Lieutenant. Said office is restricted to use by Department members only and is an area not accessible to the public.

800.10 IDENTIFICATION NUMBERS AND CRIMINAL HISTORY FILES

The City County Information Technology Commission is responsible for coordinating and working with area police service providers in designing, securing, implementing, and maintaining a fully automated multi-user Records Management System. The two primary users, the Wausau Police and Marathon County Sheriff's Departments shall employ computer technology staff within their agencies that are responsible for maintaining knowledge of the system applications as well as performing a myriad of technical tasks associated with the system.

The Records Management System includes an alphabetical Master Name Index (MNI) file. The MNI file contains:

- (a) Basic information including: name, current address, and telephone number for all entries. Information for individuals includes: date of birth, social security number, driver's license number and physical descriptions.
- (b) The history of all documented department contacts with each entity in the system.
- (c) The criminal history file for each person arrested by the police department.
 - 1. A unique processing number is assigned to each person arrested and processed by the Department. The MNI number is assigned by the Records Management System and is unique to each individual.

The Marathon County Sheriff's Office is the designated repository for fingerprinting and photographing persons custodially arrested.

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800.11 WARRANT AND WANTED PERSONS FILES

The Marathon County Sheriff's Office is the responsible agency for maintaining a warrant and wanted persons file. The Marathon County Sheriff's Office shall abide by law, TIME System rules and establish procedures that govern:

- (a) Entry of locally generated information in agency files and subsequently in regional, state and federal information systems.
- (b) Receipt and entry of information from other jurisdictions.
- (c) Verification of information.
- (d) Cancellation of information.
- (e) Requirement for 24-hour access to the agency's warrant and wanted person information.

800.11.1 ENTRY OF LOCAL WARRANT AND WANTED PERSONS FILES

Want and warrant data may emanate from a number of sources including, but not limited to:

- (a) Warrants from Marathon County Circuit Court.
- (b) Apprehension Requests from Wisconsin Community Corrections.
- (c) Apprehension Requests from Juvenile Intake.
- (d) Missing persons, juvenile runaways and ATLS issued by the Department.

Entry of locally generated information shall be forwarded to the Marathon County Sheriff's Office, Warrant and ID Section. The Warrant and ID Section is responsible for verifying for accuracy and entering warrant/want data into the Warrant and Wanted Persons File maintained by the Marathon County Sheriff's Office. Supplemental entry of data into the TIME System can only be accomplished when proper documentation is received. Entry into the TIME System should be made immediately upon receipt of required documentation and minimum data required for entry. Supporting documentation for any of the TIME System data file entries will be in accordance with TIME System rules and guidelines.

In an effort to make sure data file entries do not contain errors, data file entries shall be checked by the Shift Supervisor or another certified TIME System Operator. The data file entry worksheet will be initialed by the certified operator verifying the accuracy of the data next to the entry operator's initials and employee/badge number.

800.11.2 RECEIPT AND ENTRY OF INFORMATION FROM OTHER JURISDICTIONS

In most cases, warrant/wanted persons data from other jurisdictions is transmitted directly to the Marathon County Sheriff's Office, Warrant and ID Section. Information received directly by the Department, whether by fax, e-mail, in person or by phone shall be forwarded on to the Warrant and ID Section for accuracy verification and possible entry into the Warrant and Wanted Persons File.

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800.11.3 VERIFICATION OF INFORMATION

The Marathon County Sheriff's Office, Warrant and ID Section is responsible for file verification, validation and entry into CIB and NCIC records systems via the TIME System.

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 is also required. 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. They shall ensure all files are accurate, complete and up to date. No records entered into the CIB or NCIC files will be validated without verification from the person, representative, official or office responsible for the initial report, or from someone who has assumed responsibility for the record or property.

Officers shall verify the validity of a warrant with Marathon County Communications prior to transport. Marathon County Communications shall be responsible for verifying and confirming warrant/want data in accordance with agency policy, Time System rules and CIB/NCIC procedures.

800.11.4 CANCELLATION OF INFORMATION

All entries will be removed as soon as it is learned that the wanted 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. 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.

Warrant or want data will be cancelled when one of the following occurs:

- (a) A Locate message is received for the entry.
- (b) An Emancipated Juvenile Warrant message is received for the entry. The County Attorney shall be consulted to determine if the subject should be re-entered as an adult after obtaining a new warrant.
- (c) A Purged Record notice is received from NCIC. This may require cancellation of the corresponding CIB record, if one exists.
- (d) Marathon County Communications is notified that property has been recovered.
- (e) Marathon County Communications is notified a wanted/missing person has been apprehended or located, or a warrant has been otherwise satisfied.

800.11.5 24-HOUR ACCESS

The Marathon County Sheriff's Office shall provide 24-hour access to warrant and wanted persons information to ensure such records are current and immediately accessible to all agency

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personnel. Access to warrant and wanted persons information is accessible through Marathon County Communications.

Records Maintenance and Release

801.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Legal custodian of records - The person designated by the Department as the legal custodian of records to fulfill all duties required by law. If no designation is made the legal custodian of records shall be the Chief of Police (Wis. Stat. § 19.21; Wis. Stat. § 19.33).

Public records - Records that are not classified, restricted, confidential or private, and may be released by law, upon request.

Record - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by or is being kept by an authority (Wis. Stat. § 19.32).

Record subject - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32).

801.2 POLICY

The Wausau Police Department is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39).

801.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police is the legal custodian of the records of the Wausau Police Department.

For the purpose of release of information and records inspection, the following personnel are also designated as legal custodians: Investigative and Patrol Captains, and Records Bureau Supervisor. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.

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- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
- (g) Ensuring the prominent display of information regarding the department's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).

801.4 PROCEDURAL INFORMATION

In accordance with Wis. Stat. § 19.34(1), a public notice shall be posted at the service desk that is visible to the public. The notice shall establish how the public may obtain information and access to records in the Department's custody.

801.5 RIGHT TO INSPECTION

A request shall be deemed sufficient if it reasonably describes the requested record; however, a request for a record without reasonable limitations as to subject matter or length of time represented by the record does not constitute a sufficient request.

Individuals requesting information held in Department files shall be required to complete a Record Request Form. No request may be refused because the person making the request is unwilling to be identified or to state the purpose for the request; however, in cases where the requester refuses to identify him/herself or refuse to identify a DPPA permissible use, all personal information, or highly restricted personal information, will be redacted.

Information will not be released which is solicited over the telephone. The person making the request will be asked to complete a Record Request Form and certify the DPPA permissible use prior to records being released. Record Request forms are available at the Police Department, on the Police Department's web page and can be E-mailed to the requester.

801.6 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

801.6.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following:

- (a) The Department is not required to create records that do not exist (Wis. Stat. § 19.35(1)(L)).
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
- (c) The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).

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- (d) If the request cannot be completed within a reasonable amount of time from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified of the delay.

801.6.2 RECORDS INVOLVING THE REQUESTER

If a request is received from an individual or a person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information, the request shall be granted or denied access in accordance with Wis. Stat. § 19.35(4)(c).

801.6.3 JUVENILE AND CHILDREN RECORDS

Juvenile and children records shall be kept separate from records of adults and shall not be open for inspection or their contents disclosed except when authorized by law or by order of the court.

Exceptions to the non-disclosure of juvenile records are listed below:

- (a) Juvenile reports may be released to the news media who wish to obtain information without revealing the identity of the juveniles involved.
- (b) Records and information may be confidentially exchanged between the department and officials of the school attended by the juvenile.
- (c) Juvenile reports, records and information may be exchanged with other law enforcement agencies and social welfare agencies.
- (d) Public school district administrators may receive information on students enrolled in the public school district concerning the pupil's illegal possession or distribution of alcohol or a controlled substance, illegal possession of a dangerous weapon or adjudication as a delinquent.
- (e) The Department shall furnish any information to a victim-witness coordinator for the purpose of enforcing the rights and services which the victim-witness is entitled.
- (f) If requested by the parent, guardian or legal custodian of a juvenile (child) who is the subject of a law enforcement officer's report, or if requested by the juvenile, if 14 years of age or over, a law enforcement agency may, subject to official agency policy, provide to the parent, guardian, legal custodian or juvenile a copy of that report.
- (g) If requested by a victim of a juvenile's act, a law enforcement agency may, subject to official agency policy, disclose to the victim any information in its records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents. The victim may use and further disclose the information only for the purpose of recovering for the injury, damage or loss suffered as a result of the juvenile's act.
- (h) If a juvenile has been ordered to make restitution for any injury, loss or damage caused by the juvenile and if the juvenile has failed to make that restitution within one year after the entry of the order, the insurer of the victim may request a law enforcement agency to disclose to the insurer any information in its records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents, and the law enforcement agency may, subject to official agency policy, disclose to the victim's

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insurer that information. The insurer may use and further disclose the information only for the purpose of investigating a claim arising out of the juvenile's act.

801.6.4 PERSONNEL RECORDS

Wisconsin Statutes contain no provision exempting personnel records from disclosure under the Open Records Law. However, certain policy arguments and specific rules of exclusion place many personnel records out of the public's reach. With the exception of a member's date of hire, or job description, all requests for access to personnel files will be handled through the office of the Chief of Police.

801.6.5 CHAPTER 51 AND 55

Chapter 51 (Emergency Detention) and Chapter 55 (Protective Placement) police records are not releasable under Wis. Stat. § 51.30. Access can only be obtained by petition filed with the court or with informed, written consent. Confirmation of persons detained under Chapters 51 and 55 may be provided to the parents, children or spouse of the detainee.

801.6.6 COMPLAINANT AND WITNESS INFORMATION

The identity of persons providing information to the police or witnesses to activities that are investigated by police may be withheld when disclosure of the information would endanger an individual's life or safety, cause harassment or other unlawful activity, or hinder a police investigation.

801.6.7 CONFIDENTIAL INFORMANTS

Wis. Stat. § 905.10 allows the department the privilege of withholding the identity of a person who has furnished the department with information relating to or assisting in an investigation of a possible violation of law. Confidential informants provide information to the department on a condition of anonymity. Department members shall not divulge the identity of persons giving confidential information without authorization from the courts or Chief of Police.

801.6.8 INVESTIGATIONS AND INVESTIGATIVE TECHNIQUES

Access to, or release of, ongoing criminal investigation files or investigative techniques will be denied if the information would harm the ongoing investigation or the Department's investigative methods. Access to, or release of, information will be granted as soon as release would no longer be harmful to an ongoing investigation and/or harm the ability of the prosecution to present the case to the court. Release of questionable material should first be authorized by the Investigations Division Captain.

801.6.9 T.I.M.E INFORMATION

Requests for driving records and registration files will be referred to the Division of Motor Vehicles.

Requests for criminal history information will be referred to the Wisconsin Crime Information Bureau. CIB/FBI transcripts received from criminal history queries will not be a part of the permanent case file and will be destroyed after review.

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801.6.10 DEPARTMENT POLICY AND PROCEDURE

Requests for department policies or procedures may be honored upon review by a custodian of records.

801.6.11 CIVIL LIABILITY

Information relating to cases which may involve potential civil liability for the city should be withheld until review and approval has been obtained from the City Attorney. If there is reason to believe a request involves information which concerns potential liability of the city, the requester shall be referred to the Chief of Police.

801.6.12 ILLEGAL PURPOSE

If there is reasonable cause to believe the access to, or release of, information sought will be used for illegal purposes, access to or release of information will be denied

801.6.13 NOTICE REQUIREMENTS IN LIMITED CIRCUMSTANCES

If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Department shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)).

Within five days after receipt of notice by the Department, an individual may provide written notification of his/her intent to seek a court order restraining the Department from providing access to the requested record (Wis. Stat. § 19.356(3)).

Within 10 days after receipt of a notice by the Department, an individual may commence an action seeking a court order to restrain the Department from providing access to the requested record (Wis. Stat. § 19.356(4)).

The Department shall not provide access to the requested record within 12 days of sending a notice to an individual pertaining to that record. In addition, if the individual commences a court action, the Department shall not provide access to the requested record during pendency of the action. The Department shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the Department receives written notice from the individual that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

801.6.14 DENIALS

The denial of a request for records is subject to the following:

If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

801.6.15 RECORDS DESTRUCTION

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request

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is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Department receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

801.7 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).
- (b) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).
- (c) Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)):
 1. Endangering an individual's life or safety.
 2. Identifying a confidential informant (Wis. Stat. § 19.36(8)).
 3. Endangering security, including that of the staff or population of a detention facility.
- (d) Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am)).
- (e) Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)(2m)).
- (f) Crime victim and witness information (Wis. Stat. § 950.04).
- (g) Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).
- (h) Search warrants until they have been executed (Wis. Stat. § 968.21).
- (i) Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).

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- (j) Information in employee personnel records (Wis. Stat. § 19.36(10)).
- (k) Patient health care records (Wis. Stat. § 146.82).
- (l) Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.

801.8 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

801.9 AGENCIES TO RECEIVE INFORMATION WITHOUT FILING REQUESTS

Pursuant to the permitted uses set forth above, the following entities shall receive personal information on a regular basis without filing a records request:

- (a) State, County, and Local governmental agencies for the purpose of carrying out their official functions, including but not limited to:
 - 1. District Attorney's Office
 - 2. Medical Examiner's Office
 - 3. Social Services
 - 4. Other Law Enforcement Agencies
 - 5. Fire Departments
 - 6. Community Corrections
 - 7. Register in Probate for Mental Health Commitment
 - 8. Highway Department/Department of Public Works
 - 9. North Central Healthcare Center, for OWI Assessment
 - 10. Parks, Recreation and Forestry Department
 - 11. Marathon County Risk Management
 - 12. Schools and/or school district, for records pertaining to enrolled juveniles
 - 13. LifeQuest Services

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Towing company dispatched to accident scene or for an abandoned vehicle (limited to case number, name of registered owner(s), registered owner(s) address, and lien holder information).

801.10 SECURITY BREACHES

Members who become aware that any Wausau Police Department system containing personal information may have been breached should notify the Administrative Supervisor as soon as practicable.

The Administrative Supervisor shall ensure the required notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 1,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Wis. Stat. § 134.98).

Notice shall be given within a reasonable time, not to exceed 45 days, after the Wausau Police Department discovers the breach. Notice may be delayed if notification will impede an investigation or homeland security (Wis. Stat. § 134.98).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Wis. Stat. § 134.98):

- (a) Social Security number
- (b) Driver's license number or Wisconsin identification card number
- (c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account
- (d) The individual's DNA profile (as defined by Wis. Stat. § 939.74), or the individual's biometric data, including fingerprint, voice print, retina or iris image or any other unique physical representation

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Administrative Supervisor should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

Protected Information

802.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Wausau Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Wausau Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

802.2 POLICY

Members of the Wausau Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

802.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Transportation (DOT) records and the Transaction Information for the Management of Enforcement (TIME) system.
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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802.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Wausau Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

802.5 RELEASE OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or Administrative Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Release and Security Policy).

Confidential information should generally not be transmitted by radio, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

802.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

802.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

802.6.2 DESTRUCTION OF CHRI (CRIMINAL HISTORY RECORDS INFORMATION)

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization's records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

802.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Collection and Preservation of Evidence

803.1 PURPOSE AND SCOPE

This policy establishes guidelines for proper collection and preservation of evidence.

803.2 POLICY

It is the policy of the Wausau Police Department that officers will collect and preserve physical evidence in effort to re-create and document the circumstances of a crime scene or major crash scene.

803.3 SCENE PROCESSING

It is imperative that physical evidence be identified, lawfully collected, preserved properly, and appropriate analysis conducted to ensure professional, thorough investigations of crime and major traffic crashes and prosecution of offenders. The Wausau Police Department provides basic training for all officers in evidence handling and integrity, and specialized training for detectives and evidence technicians/custodians. All evidence should be collected, preserved and documented according to the guidelines established in the Wisconsin DOJ Physical Evidence Handbook. Examples of "evidence" includes, but is not limited to: instruments of crime, suspected stolen property, trace evidence, DNA/bodily fluids, and latent impressions/marks/prints.

The size and scope of the scene area, as well as the seriousness and nature of the crime, will determine the responsibility of the first responding officer. The assigned officer or first responding officer to a crime is responsible for the security and protection of the scene/area until relieved, and has the primary responsibility for collection and preservation of physical evidence, as well as packaging and labeling physical evidence found at a scene.

The first responding officer may direct other officers to assist as needed. A supply of containers (envelopes, bags, boxes) is provided for officers in the Evidence Room, and officers should have containers readily available (stocked in squad) for the collection and preservation of physical evidence. To maintain the chain of custody, physical evidence will be packaged and stored at the time it is collected.

The specific responsibilities of the officer assigned to complete an investigation of a crime scene include but are not limited to:

- (a) Securing and protecting the crime scene.
- (b) Logging entries of persons into the crime scene, when applicable.
- (c) Photographing the scene.
- (d) Searching the scene for physical evidence.
- (e) Diagramming and sketching the scene, when applicable.
- (f) Collecting and preserving physical evidence.
- (g) Securing and/or releasing of the crime scene.

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For serious incidents, and/or if the knowledge, skills and abilities necessary to process the scene exceed those possessed by the investigating officer, the officer should notify his/her supervisor. The supervisor will determine the need to request assistance from the Detective Bureau (or Crash Reconstruction Team for major traffic crashes.) When a detective and/or evidence technician is assigned and responds to a scene, he/she will share the scene responsibilities with the initial investigating officer(s), and has authority to delegate tasks.

803.3.1 DETECTIVE BUREAU PERSONNEL

Detectives and evidence technicians are responsible for recognizing, collecting, and preserving all physical evidence at crime scenes that they are assigned to process.

Detectives and evidence technicians who are assigned to an investigation / crime scene are generally not responsible for completing the primary incident/offense report. However, detectives and evidence technicians should complete a supplementary report to document their scene activities, processing, evidence collection, and/or interviews.

The Detective Bureau maintains an Evidence Response Vehicle (ERV) available for response/ use at scenes. The ERV contains an array of evidence collection equipment and specialty tools/ equipment for scene/evidence preservation and processing.

803.3.2 PHOTOGRAPHIC EVIDENCE

The department provides digital cameras assigned to each patrol squad and to individual investigators (detectives, Community Resource Officers, and evidence technician). The Detective Bureau is provided with additional photography and video camera equipment, for purposes of gathering photographic and video evidence at scenes.

The investigating officer/detective/evidence technician will use a digital camera to gather photographic evidence. A video camera may also be used as supplemental documentation for serious incidents/large scenes. The following are circumstances when digital photographs should be taken:

Reportable traffic accidents:

- (a) Accidents involving City-owned vehicles or property.
- (b) Fatal traffic-related deaths.
- (c) Any other crash in which the investigating officer or supervisor believe it is in the best interest of the investigation.

Criminal investigations:

- (a) Major crime scenes of a serious nature, regardless of apparent evidence present, including homicide, sexual assault, and other violent crimes.
- (b) Felony or misdemeanor crimes, and municipal ordinance violations where physical evidence is present.
- (c) Any other crime/complaint in which the investigating officer or supervisor believe it is in the best interest of the investigation.

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General investigations: scenes involving death or injuries to a person (Examples include industrial accidents, fire scenes, and deceased persons in circumstances of apparent natural death or suicide).

Digital photographs will be listed/documentated on a photograph log form, to be submitted with the officer's report. The officer will submit the photographs (digital files/images on storage media card/device) to the Records Bureau for archiving in the electronic records (imaging) system, logged according to case number.

803.3.3 SCENE SKETCH / RECONSTRUCTION

Officers/detectives should consider preparing a sketch of the scene, that would include location of evidence found therein. If appropriate, a supervisor may request the Crash Reconstruction Team to respond, having special equipment capabilities for documenting and producing scale scene diagrams.

803.3.4 FINGERPRINT EVIDENCE / PROCESSING

WI DOJ Physical Evidence Handbook guidelines should be observed in regard to any processing of fingerprints (preservation, developing, collection/lifting, labeling and packaging) as evidence.

When fingerprint evidence is discovered, photographs should be taken prior to any processing. It is preferred that any action taken/processing of the fingerprint be conducted by a detective, a member trained in fingerprint processing techniques, or that the item bearing the fingerprint evidence is submitted to the Wisconsin State Crime Laboratory for processing (in particular for violent felonies and/or major crimes). Therefore, if the item bearing the fingerprint is reasonably portable or removable from the scene, the officer should collect and preserve/package the host item in a manner so as to protect integrity of the fingerprint evidence. The officer should then submit the host item as evidence to the evidence custodian, and designate it for fingerprint processing by the Detective Bureau. The Detective Bureau will then determine whether processing is conducted by department personnel or submitted to the Wisconsin State Crime Laboratory for processing and comparison. If a member produces a fingerprint lift, the lift should be labeled with identifying information prior to packaging, to include case number, date, officer's name or initials, and where/from what the print was developed.

Officers should consider and determine whether the host item will also be the subject of DNA evidence processing; if so, the host item shall first be designated for DNA evidence processing prior to any attempt at fingerprint processing (and will therefore be submitted to the Laboratory if processing is needed).

For fingerprint evidence discovered upon a non-portable item or surface (i.e., building structure), it may be collected/lifted/packaged by a member trained in fingerprint processing, or the officer should consult with a Detective Bureau supervisor.

803.3.5 DNA EVIDENCE

Before attempting to collect DNA evidence, officers need to be mindful of certain precautions and responsibilities:

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- (a) Officers should be cognizant of the fact that certain biological evidence can contain hazardous pathogens to include Hepatitis and HIV. Officers shall wear protective gloves when attempting to handle/collect DNA evidence, to protect the officer from biological risks.
- (b) Officers should avoid contamination of DNA evidence by wearing protective gloves and changing gloves often when handling different pieces of evidence. Avoid touching any areas where DNA may exist and avoid talking, sneezing or coughing over evidence.
- (c) Officers should recognize possible sources of DNA, protect evidence, and maintain a record of persons entering the scene.

DNA evidence will be collected, transported and stored in accordance with WI DOJ Physical Evidence Handbook guidelines. When collected in the field, DNA evidence should be placed in appropriate packaging (paper or cardboard, no plastic; swab cartons for any swabbings/samples), at the time of collection. Before final sealing or submission to the evidence custodian, DNA evidence items must be dry; items needing to be dried should be air-dried in a secure manner (see Property and Evidence policy).

When DNA evidence is collected, the investigating officer should seek to obtain DNA sample from the suspect for comparison purposes, and from victim if appropriate (and/or other persons related to the investigation if needed for exclusion purposes).

When obtaining a DNA sample from a person, the preferred means is a via saliva (buccal swab) sample. Buccal swabs are to be collected in method prescribed by WI DOJ [[See attachment: Buccal swab procedure](#)]

Where examination/testing by the Wisconsin State Crime Laboratory is desired, the investigating member is to request transmittal by contacting the evidence custodian, and/or by completing the processing-request portion of the property/evidence custody document when submitting evidence to the evidence custodian.

The Detective Bureau maintains personnel (Detectives and evidence custodian/technician) who are trained in collecting and preserving DNA evidence. The Detective Bureau assists the Field Training Officer program for training new officers in evidence collection procedures, including DNA evidence.

Computers and Digital Evidence

804.1 PURPOSE AND SCOPE

This policy establishes guidelines for the identification, collection and disposition of digital evidence: namely, digital/electronic storage devices and electronically stored information (ESI).

Officers may contact the Detective Bureau for assistance with digital evidence concerns.

804.2 IDENTIFICATION OF DIGITAL EVIDENCE

Officers should determine whether an investigation involves, or has the potential to involve, digital evidence.

In making their assessment, Officers not only should consider computers or similar digital storage devices, but also should consider sources of ESI that may be available through court ordered legal process.

There are many sources of digital evidence, but for purposes of this policy, the general categories of digital evidence include the following:

Devices

Digital Storage Devices

- Stand-alone computers or devices such as desktop computers, laptop computers, external storage drives
- Cell phones and other “mobile” devices, such as iPads or Tablets
- Video surveillance systems
- Other components or accessories to the above listed items

Electronically Stored Information (ESI)

- Internet-based, such as websites, accounts (email, social media, etc.), and remote storage, i.e. “the Cloud.”
- Service providers for cell phone and internet accounts.

804.3 COLLECTION OF DIGITAL EVIDENCE

Digital evidence shall be collected in a manner consistent with proper legal authority and with best practice as established by the officer's training and experience. At the scene, the best judgment of the officer will dictate the investigative approach. It may be sufficient to collect information from the complainant, or it may be necessary to collect the digital evidence for examination in a controlled environment.

804.3.1 LEGAL AUTHORITY

An Officer shall ensure proper legal authority has been established to seize and/or examine digital evidence.

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In ensuring proper legal authority, an Officer should not overlook the availability of owner consent to seize and to search digital devices or ESI. Owner consent to seize and to search either digital devices or ESI should be accompanied by a signed Consent to Search Form that specifies the item(s) to be searched and the content to be examined (NOTE: Consent may also be applied to a search of information stored in accounts, such as a Facebook account.)

804.3.2 DIGITAL STORAGE DEVICES

Digital Storage Devices should be collected in a manner that best preserves the integrity of the evidence.

In most cases an Officer should avoid obtaining stored information directly from a digital device at the scene of the investigation; e.g. documents or photos. The following are exceptions to this recommendation:

- Under exigent circumstances
- When consideration of “volatile data” is at issue. In such cases, an Officer trained in capturing “live data” shall be consulted.
- Internet-based information, such as information contained in an online account, that can be viewed on a device, but is not necessarily stored on the device itself.
- Video Surveillance Systems (see 814.3.c).

Officers should be aware that any action taken on a digital storage device may affect the integrity of the evidence. Therefore, any action taken should be documented.

In regard to computers to be seized: if the computer is off, Officers should not attempt to power it on. If the computer is on, a photograph of the screen is recommended, and it should be powered off by removing the power cord from the computer.

In regard to mobile devices seized: Officers are encouraged to place the device in "airplane mode" and then power off the device, in effort to preserve the current data contents of the device. Digital storage devices often have significant financial value, and are often constructed of sensitive internal components critical to proper functionality. Digital storage devices must therefore be handled with additional care during collection and transport (i.e., use adequate protective packaging during collection) to protect the device from damage and to preserve it for examination.

Officers should establish and identify all known owner(s)/user(s) of the respective digital device(s) at issue, and should request any password/passcode access information for the device(s). Consideration should also be given to collecting accessories, notes and manuals which may be associated with the device(s), or be relevant to the investigation.

804.3.3 DIGITAL STORAGE DEVICES - VIDEO SURVEILLANCE SYSTEMS (VSS)

Officers should determine potential sources of video surveillance when applicable. Officers should give consideration to sources that are not only available within a crime scene, but also are available adjacent to a crime scene (e.g. a neighboring location or nearby convenience store, etc.)

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Surveillance footage from VSS should be obtained as soon as practical to avoid footage being overwritten.

Steps should be taken to document and verify the accuracy of the VSS date/time stamp.

Comparison of the footage date/time stamp against Dispatch Center time, or against a department issued cell phone is preferred.

In most cases it is unnecessary to obtain the actual System itself.

804.3.4 ELECTRONICALLY STORED INFORMATION (ESI)

Officers are often faced with investigations related to internet-based accounts which are kept, maintained and available through a business provider or similar third-party.

Similarly, there are other investigations which may not directly involve an internet-based account, yet it may still prove helpful to inquire about such accounts when gathering information about potential suspects, victims, or witnesses.

Officers should attempt to gather the following information related to such accounts:

- Account detail/account name(s): that information used to establish the account
- User detail/user name(s): that information displayed when using the account
- Cell phone number(s)
- Email address(es)
- Any relevant date/time information related to the use of the account(s)
- Website address(es): a website address, or URL, is generally provided in the following format:
 - <http://www.website.com> (.org, .net, .gov, etc.)
 - It is particularly important in cases involving Facebook to obtain the complete web address of a particular user:
 - <https://www.facebook.com/name.name.stuff> (include everything before and after the backslash)

804.3.5 ESI - REQUEST TO PRESERVE RECORDS

Officers should attempt to preserve the information related to account(s) by sending a request to the account provider by FAX, email or other method as requested by the provider.

Requests can be made to preserve historical information and/or future information.

804.4 DISPOSITION OF DIGITAL EVIDENCE

Evidence Storage and Documentation

Officers should submit digital evidence to evidence storage as soon as practical.

If examination is required, Officers should complete a routing report and described the following:

- Which device(s) have potential evidence requiring examination.

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- What type of evidence is of interest: e.g. cell phone text messages between person_A/cell number and person_B/cell number.
- Legal authority for the examination

Arrangements to release evidence for examination can be made through the Evidence Custodian.

804.4.1 EXAMINATION

The Department staffs personnel trained as digital evidence examiners, supervised within the Detective Bureau. Digital evidence seized/collected by department members in the course of investigations, and requiring examination, is generally assigned for processing/examination/analysis by the department's trained digital evidence examiners. When a request for examination is accepted by the Detective Bureau, the assigned examiner shall coordinate temporary release of the property from the evidence custodian (such release and temporary custody being conducted in accordance with the Property and Evidence policy).

In the event additional and/or more specialized examination of digital evidence becomes necessary, the investigating officer or examiner may request transmittal to the Wisconsin State Crime Laboratory or to another law enforcement agency having the desired examination capabilities and qualifications (transmittal conducted in accordance with Property and Evidence policy). If digital evidence is accepted by and transferred to an outside agency for purpose of evidentiary examination, the transferring officer, examiner, or evidence custodian shall arrange with the outside agency to provide examination results in a report/written form.

The purpose of the examination process is to extract and analyze digital evidence from respective sources:

- Extraction/Copying - refers to the process of obtaining data from a particular source, using approved forensic techniques, to be used for analysis.
- Analysis - refers to reviewing the obtained data and presenting the results of the examination process.

The Officer requesting the examination should be available to work with a digital evidence examiner throughout the process.

Archiving:

Data obtained during the examination process, including forensic drive images, should be saved to suitable storage media (fileserver, internal drive, external drive, CD/DVD etc.).

Storage media containing examination data or forensic images may be submitted to evidence, or held in either tCR1 or tCR2 as necessary

Data obtained during the examination process should be kept until the case investigation has been resolved either through the court system, or intra-departmentally if the case was not prosecuted.

Archived data may be deleted from storage at the approval of the Investigations Captain.

Equipment:

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Computers and Digital Evidence

Digital evidence shall be examined using equipment and software that is owned and licensed by the Department. Open source software, or “freeware”, may also be used to examine digital evidence.

Training:

The examination of digital evidence should be done by Department personnel trained in this process. The Department provides its digital evidence examiners with periodic training to maintain proficiency, certifications, and to develop additional skills.

804.4.2 MUTUAL AID

The examination of digital evidence by members of the Wausau Police Department may be offered to allied agencies upon approval of a Detective Bureau supervisor.

The Wausau Police Department will not archive data for other agencies. Agencies seeking assistance in examining digital evidence shall provide suitable storage media for archiving.

804.4.3 RELEASE OF DIGITAL EVIDENCE

The Evidence Custodian shall facilitate the return of electronic evidence upon authorization of a Detective Bureau supervisor, and, when applicable, in conjunction with the Marathon County District Attorney’s Office (DA).

Items containing contraband (e.g., child pornography) will not be returned to owners convicted of the crime(s) related to the seizure of said item(s). Exceptions may apply, but only upon authorization of a Detective Bureau supervisor.

Digital evidence may contain material subject to the Privacy Protection Act, 42 USC §2000aa et seq. (PPA). If digital evidence is seized pursuant to a criminal investigation, and there is reason to believe the evidence contains material subject to the PPA, but not subject to the criminal investigation, then that material may not be the subject of either search or seizure. In this scenario, the Officer shall notify a Detective supervisor and arrange a consultation with the DA’s Office before proceeding further.

804.4.4 DIGITAL EVIDENCE EXAMINERS

The storage of digital evidence and work product by department authorized digital evidence examiners is guided by the following:

RM tCR1 (lab) should only be used for storage of work product (imaged drives, etc.) Original evidence should not be stored in this room except while during the examination process.

RM tCR2 (temporary evidence room) may be used by digital evidence examiners for the temporary storage of digital evidence.

Evidence obtained as a result of examination (see sub-section on "Examination").

Property and Evidence

805.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or dispose of property.

805.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Property - Includes all items of evidence, items taken for safekeeping and found property.

Safekeeping - Non evidentiary property that is placed in the custody of a law enforcement agency for temporary protection on behalf of the owner; includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Property Room - Secure, restricted-access property/evidence storage room maintained and secured by the Evidence Custodian.

Evidence Room - Room adjacent to the Property Room, that is accessible by all personnel at all hours, which includes access to evidence lockers, temporary storage lockers, and packaging area.

Processing Room - Secure/keyed room available for evidence processing and drying/temporary evidence storage.

805.3 PROPERTY ROOM SECURITY

The Evidence Custodian shall maintain secure storage and control of all property necessitating custody by the Department. The department may authorize and assign a back-up or secondary Evidence Custodian, and the term "Evidence Custodian" for purposes of department policies shall apply to both the Evidence Custodian and secondary Evidence Custodian. The evidence custodian reports to the Investigations Bureau commander and is responsible for the security of the Property Room and all/any alternate property storage areas. Property Room keys are maintained only by the Evidence Custodian, and in the secure glass-break-access box for emergency purposes (i.e. structure fire). The Evidence Custodian shall not loan Property Room keys to anyone and shall maintain keys in a secure manner.

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805.4 PROPERTY HANDLING

Members are accountable for all property obtained by them and/or placed under their control. Any member who comes into possession of property or evidence shall ensure it is transferred into the department's property management process as soon as possible, beginning with securing the property in a designated property storage area, and inventorying and logging the item(s) within a property/evidence custody document. Care shall be taken to maintain the chain of custody for all evidence. The department shall maintain a Property Room— a secure, restricted access storage area to secure property that is evidentiary, recovered, found, and/or taken for safekeeping.

Personal use of any "Property" (defined above) is prohibited.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)), and the department will make reasonable efforts to return property to the rightful owner.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

805.4.1 PROPERTY BOOKING PROCEDURE

All property obtained by members must be secured prior to the member going off-duty, in an evidence locker or temporary storage locker, unless directed otherwise by a supervisor and/or circumstances require alternate storage site (see subsection "PROPERTY AND EVIDENCE STORAGE AREAS" below). Members securing/booking property shall observe the following guidelines:

- (a) Complete an evidence/property custody document describing each item separately as practicable, listing available serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) All property should be packaged in accordance with the WI DOJ Physical Evidence Handbook/guidelines, and marked upon the evidence packaging the item number, case number, and date submitted (or property tag attached containing this information).
- (c) Evidence lockers are provided for secure submission of property/evidence to the evidence custodian ("pass-through" lockers in the Evidence Room; whereas submitting personnel cannot reopen the locker after securing the evidence locker door, and may only be accessed by the evidence custodian from within the Property Room). Evidence lockers are accessible to personnel at all hours for secure submission of property to the Property Room/evidence custodian. Temporary storage lockers are provided for circumstances when temporary storage of property is needed prior to submission to the evidence custodian.

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- (d) A copy of the evidence/property custody document shall be submitted with the case report. The original shall be placed with the property in the evidence locker when the property is submitted to the evidence custodian.
- (e) In instances where property is too large to be placed in an evidence locker, or may not otherwise be directly submitted via an evidence locker, the item may be stored in a temporary storage locker or alternative storage site that can be secured from unauthorized entry. The location shall be secured to prevent entry, the key for which is maintained securely by the user, and a completed evidence/property custody document indicating the location of the property shall be submitted to the evidence custodian. If using a temporary storage locker, the locker key may also be submitted to an evidence locker, to effect submission of the property to the evidence custodian.
- (f) Members shall complete a written report, using the case number assigned to the subject evidence/property items, documenting and identifying all property/evidence obtained, and the circumstances of how it was obtained.
- (g) The evidence custodian may return any property that is improperly packaged, marked, or stored to the submitting member or supervisor, to remedy any such issue and re-submit.

805.4.2 EXCEPTIONAL PROPERTY HANDLING

Certain property items require additional precautions and/or sensitive handling, and/or may be subject to special packaging/storage considerations. Any exceptions to the below directives must be approved by a supervisor, and the member/supervisor shall ensure the property is still protected and safely secured in a reasonable manner under the circumstances.

- (a) Any items collected with considerations for DNA evidence processing shall be packaged in paper, cardboard or similar material (no plastic).
- (b) Items stained with bodily fluids (such as blood or semen) must be dry prior to packaging, and shall be air-dried if necessary in a secure manner. The submitting member is to mark these items as being biohazardous, to reduce the risk of exposure or contamination (i.e., affix "biohazard" label to the packaging or tag).
- (c) High-value items, such as high-value jewelry and cash quantities, shall be stored by the evidence custodian in the safes provided in the Property Room. Prior to submission, all cash received by an officer shall be counted in the presence of another officer, and the submitting officer shall document the count and the witnessing officer in a report. A supervisor shall be contacted for cash in excess of \$1,000, and the supervisor shall also witness the count.
- (d) Firearms taken into custody present a safety risk and therefore additional care should be taken in collection and handling. Firearms shall be unloaded prior to transport, packaging, or being brought into the WPD facility. Any ammunition shall be packaged and logged separately. Generally, firearms shall be packaged in a new firearms evidence box; however, firearms taken for safekeeping or are not of evidentiary value may be

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submitted within an accompanying firearm case and tagged. The evidence custodian shall store all received firearms in separate, secure storage.

- (e) The evidence custodian shall store all received drugs in separate, secure storage.
- (f) For all evidence requiring specific storage conditions (i.e. temperature sensitive), officers should clearly indicate storage requirements on the property tag/packaging, and/or notify the evidence custodian. A secure refrigerator is provided in the Property Room for storage of biological evidence (e.g., fluid samples, sexual assault kits).

805.4.3 HANDLING AND PACKAGING CONTROLLED SUBSTANCES

Controlled substances present varying levels of health/safety risks to members handling them depending on the substance; care should be taken when handling, to avoid skin contact, spillage, or making the substance airborne. The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, labeled and secured in evidence storage or locker. The officer shall weigh the suspected controlled substance in the immediate container in which it was seized, with another officer as witness to the weight. A full description of the item, along with packaging and total weight of the item as seized, will be documented in the case report.

Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances and should be witnessed by another officer. Any testing of suspected controlled substances within the WPD facility shall be conducted within the Evidence Room. When conducted, the result of this test shall be documented in the officer's report.

Controlled substances shall not be packaged with other property.

805.4.4 PROPERTY AND EVIDENCE STORAGE AREAS

All property will be stored in the Property Room, under control of the Evidence Custodian, whenever possible and practicable. Circumstances may at times necessitate alternate storage of property, such as due to size, weight, odor, amount, or hazardous nature (for example, recovered power equipment containing fuel). Alternate storage sites still shall provide reasonable security, with consideration of whether the property is evidentiary in nature and/or may be subject to a form of evidence processing/examination. Where a storage site cannot be secured, the property should be packaged in a manner to prevent tampering. If the property is evidentiary, cannot be reasonably secured, and is in need of evidence processing, the item is to remain under security of personnel until such processing is completed.

Evidence that requires drying prior to submission is to be secured in the Drying Room (on a new drying rack/hanger) by the handling officer until it can be properly packaged and submitted.

Alternate storage sites (other than temporary storage lockers) include other designated city/department-owned facilities/ impound areas, including WPD-assigned storage garage at Dept. of Public Works premises.

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805.5 PROPERTY RECORDS

The Evidence Custodian shall maintain records of all property submitted for evidence/custody, to ensure that a proper chain of custody is maintained for the duration of custody of property, up to and including final disposition. Property record/entry in the electronic property ledger for each item shall include item/property number, the date received, case number, item description, property location if other than the Property Room, and date disposed.

Any changes in the location of property held by the Wausau Police Department shall be noted in property ledger.

805.6 PROPERTY CONTROL

805.6.1 TRANSFER OR TEMPORARY RELEASE OF PROPERTY

Each person receiving property will sign the property/evidence custody document for chain of custody. The evidence custodian shall obtain the signature of the person to whom property is released. Temporary release of property to officers (i.e., for investigative purposes, court) shall be noted on the evidence/property custody document, stating the date, and to whom it was released.

Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity. The evidence custodian shall document the return of the property on the evidence/property custody document, stating the date and person who returned it.

Whenever the evidence custodian transfers property to another person/entity/agency, he or she will record the transfer in the property ledger, to include:

- (a) Date of transfer.
- (b) Name of person transferring the property.
- (c) Name, title, and agency/location of person receiving the property.
- (d) Reason for the transfer.

805.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

When forensic laboratory examination of evidence is desired (i.e., by the Wisconsin State Crime Laboratory), the investigating member is to request laboratory transmittal by contacting the evidence custodian, and/or by completing the processing-request portion of the property/evidence custody document when submitting the evidence to the evidence custodian.

The evidence custodian is responsible for:

- (a) Completing transmittal document(s), which includes the name and contact information of the person submitting the evidence, and instruction to the laboratory that examination results are to be returned in writing;
- (b) Fulfilling transmittal requirements of the laboratory, to include any packaging requirements and standards;
- (c) Providing a written case summary and any processing instructions;

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- (d) Ensuring appropriate measures are taken to protect perishable items;
- (e) Delivery of the item(s) to the laboratory in person or via registered carrier; and
- (f) Obtaining adequate, signed property receipt(s) from the laboratory to support chain of custody.

805.6.3 RELEASE OF PROPERTY

Reasonable attempt shall be made to research, identify, and notify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim that is not needed for evidence shall be promptly released to the victim within 10 days of being taken unless the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

Property may be released upon notification from an appropriate authorized member of the department, or upon direction from the District Attorney's office.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be documented by the evidence custodian.

When release of previously logged property is authorized, the evidence custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder. A signature of the person receiving the property shall be recorded on the original evidence/property custody document. After release of all property entered on the evidence/property custody document, the document shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the evidence/property custody document will remain with the Evidence Room.

805.6.4 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

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805.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)). The evidence custodian may 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, it shall be recorded on the evidence/property custody document and in the property ledger. Disposition of proceeds from the sale of unclaimed property is to be determined in communication with the City of Wausau-Finance Department.

805.7.1 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Room supervisor shall ensure that no biological evidence held by the Department is destroyed prematurely or without adequate notification pursuant to Wis. Stat. § 968.205 to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Detective Bureau supervisor

Biological evidence shall be retained for a minimum period established by law, the Evidence Room supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department pursuant to Wis. Stat. § 968.205(5). A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

805.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On at least semi-annual basis, the Detective Bureau commander shall inspect the evidence storage facilities and practices to assess compliance with evidence/property custody policies and procedures.
- (b) Whenever the person assigned as Evidence Custodian is replaced, an audit of property shall be conducted by the Investigations Bureau commander (or other supervisor designee) jointly with the newly assigned person.

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- (c) An separate audit of the Evidence Room shall be conducted annually by a supervisor who is not a supervisor of the Property Room function.
- (d) The evidence storage facilities are subject to random, unannounced audit or additional inspection at any time, as directed by the Chief of Police, conducted by the Chief or his/her designee.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Wausau Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 HUMANE OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of [Animal Control] and include the following (Wis. Stat. § 173.07):

- (a) Animal-related matters during periods when [Animal Control] is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that [Animal Control] is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals or notifying owners when animals are taken into custody (Wis. Stat. 173.13(3)).
- (d) Enforcement of state laws and ordinances relating to rabies control and cruelty to animals (Wis. Stat. § 173.03(3); Wis. Stat. § 95.21; Wis. Stat. § 951.01 et seq.).

Members who are designated as Humane Officers shall successfully complete the required basic and continuing education animal control courses required for certification by the Wisconsin Department of Agriculture, Trade and Consumer Protection (Wis. Stat. § 173.05).

806.4 MEMBER RESPONSIBILITIES

During hours when the Humane Officer is off-duty, or if the Humane Officer is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of a Humane Officer.

806.5 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Officers may contact DPW for handling of deceased animals on public property. Neither a Humane Officer nor any officer will be required to remove deceased animals from private property.

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806.6 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner. When the owner or owner representative cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If it is after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
- (d) When it is necessary to dispatch a seriously injured or dangerous animal, the Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Patrol Lieutenant.
- (e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented, at minimum, to include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the Humane Officer is off-duty, the information will be forwarded for follow-up.

806.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to § Wis. Stat. § 951.01 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if

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appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen (Wis. Stat. 174.042(3)).

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

807.2 POLICY

The Wausau Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Wausau Police Department facility. Reports will be accepted anonymously, by phone or via email or on the academic institution's website.

It is the policy of the Wausau Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Wausau Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

Communications

808.1 PURPOSE AND SCOPE

This policy establishes guidelines for the communications process with and to the Marathon County Sheriff's Department Communications Division, hereafter referred to as MCC, or Marathon County Communications.

808.2 ACCOUNTABILITY AND RESPONSIBILITY

The Wausau Police Department contracts with Marathon County Communications (MCC) for all communication processes. Both the Department and MCC are accountable to each other for complaint taking, dispatching and response to calls for service.

A copy of all/any agreements, regulations and standards are maintained by the Administrative Supervisor.

808.3 FCC REQUIREMENTS

The Department and MCC radio operations will be conducted in accordance with all Federal Communications Commission (FCC) requirements governing emergency communications.

808.4 EMERGENCY CALLS FOR SERVICE BY TELEPHONE

MCC provides 24-hour, toll-free service for all emergency calls, whether from landlines or cellular telephones within the city. The ability for citizens to telephone quickly and easily for emergency service is critical. MCC provides access to the 9-1-1 system with a single emergency telephone number.

MCC also provides 24-hour, toll-free service for all non-emergency calls for police assistance. The department maintains administrative telephone service through the use of an automated telephone routing system. The system is designed to allow residents of the city to access the appropriate police service as quickly as possible.

808.5 CONTINUOUS COMMUNICATIONS

Through MCC, the Department maintains continuous communications with on-duty officers. All officers are issued a portable transceiver giving them the ability to communicate with MCC dispatchers, other officers and other agencies. Each squad car is equipped with a mobile transceiver with the same capability. In addition, each patrol squad is equipped with a mobile data computer and cellular telephone giving officers the capability of communicating with other officers, administrative staff and dispatch.

808.6 INFORMATION CAPTURE

MCC will maintain Computer Aided Dispatching (CAD) software that is designed to capture vital information for all requests for service (criminal and non-criminal), as well as officer self-initiated

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activity. The Department will have access to this information through internet based applications. At a minimum, MCC will capture the following information:

- (a) Control (case or incident) number.
- (b) Date and time of request or self-initiated activity.
- (c) Complainant information (name, address, phone number), when possible.
- (d) Type of incident.
- (e) Location of incident.
- (f) Officer(s) assigned/responding.
- (g) Dispatch time.
- (h) Arrival time.
- (i) Officer return-to-service time.
- (j) Disposition or status of call/case.

808.7 RADIO COMMUNICATIONS

The police radio is a vital resource for safe and efficient public safety operations. The radio will be used in a professional manner at all times and only for official purposes. Radio transmissions will be brief, clear, concise, and in accordance with proper radio protocol. Lengthy conversations should not be conducted on the primary dispatch channel and should be taken to an alternate channel whenever possible. Officers may use mobile data computers and telephones in lieu of the radio when appropriate. Appropriate ten codes and the phonetic alphabet will be used in accordance with this policy.

808.7.1 REQUIRED COMMUNICATIONS

Officers will use the police radio to contact MCC when beginning or ending a tour of duty and whenever they engage in self-initiated activity or when dispatched on a call for service. Officers shall provide MCC with any relevant information and the disposition for all assignments including, but not limited to, call acknowledgement, arrival at destination, location change and call clearance. The telephone may be substituted for the police radio when appropriate.

808.7.2 OUT OF SERVICE STATUS

Officers should use the police radio to notify MCC when they are in service and available for calls. Officers should also use the police radio to advise MCC when they are out of service or unavailable for calls. MCC shall make a record of an officers' status for efficient assignment and accountability of police resources.

808.7.3 PROPER CALL SIGNS

Operations are more efficient and officer safety is enhanced when all members are familiar with proper radio protocols, authorized 10-Codes, unit locations, call types and situational awareness of active cases requiring police response. Transmissions will be brief and concise to convey the intended information. Personnel will use MCC approved 10-Codes and phonetic alphabet

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during day to day operations. Common language phrases will be used when Incident Command is established and when more than one department or agency is involved. Common language phrases shall be short, easily understood transmissions. Slang and jargon are not permitted.

A list of highlighted authorized 10-Codes can be found here:

[See attachment: 10 Codes.pdf](#)

808.7.4 INTERAGENCY COMMUNICATION

Radios are programmed with intraagency and interagency communication capabilities.

Generally, members shall restrict communication to channels assigned to the Wausau Police Department but may, under reasonable, emergent, and/or necessary circumstances, communicate with another agency's member or MCC on alternate channels.

808.7.5 CRITERIA FOR DISPATCHING PERSONNEL AND SUPERVISORY RESPONSE

Incidents that do not require a sworn officer/police powers and which do not pose a known danger may be handled by a Community Service Officer, Humane Officer or Parking Control Specialist. Assignment will depend upon the nature of call received.

MCC shall make reasonable efforts to dispatch at least two officers for:

- (a) Crimes in progress.
- (b) Disturbances/fights in progress.
- (c) Incidents where a suspect is on scene.
- (d) Domestic disturbances.
- (e) Chapter 51.
- (f) Alarms.
- (g) Funeral Escorts.
- (h) Suspicious persons.
- (i) Serious injury or Deaths.
- (j) Accidents with significant road blockage.
- (k) Fire scenes.
- (l) At the request of an officer.
- (m) At the request of a supervisor.

A supervisor shall respond or be summoned to the scene by an officer for the following situations:

- (a) Deaths (e.g. natural causes, suicides, suspicious deaths or homicides).
- (b) Accidents involving an on-duty member of this department.
- (c) Fire scenes.

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- (d) Critical incidents (e.g. civil disturbances, bomb threats, hostage/barricaded persons, acts of terrorism or other unusual incidents or disasters).
- (e) Search warrants.
- (f) Controlled buy operations.
- (g) When substantial bodily harm, great bodily harm or death results to a subject(s) as a result of a member's use of force.
- (h) When forced entry has been made to a residence under exigent circumstances.
- (i) Under circumstances where an officer's actions or inactions may result in substantial risk of liability to the City of Wausau.

808.8 RESOURCE AVAILABILITY FOR COMMUNICATIONS PERSONNEL

The Wausau Police Department will ensure MCC personnel have immediate access to specific operational information including:

- (a) The current supervisor in charge of patrol operations.
- (b) A current duty roster of all personnel.
 - 1. MCC will have online access to duty rosters/schedules. It shall be the responsibility of the shift supervisor, as part of roll call preparation, to ensure the duty roster/schedule is current and includes each officer's sector assignment.
- (c) Contact information (on and off-duty) for agency personnel.
 - 1. Department personnel rosters with name, badge number, address, phone number and other information will be provided to MCC and all Department bureaus, divisions, shifts on an updated basis by the Administrative Supervisor.
- (d) Maps and other information covering the agency's service area.
 - 1. MCC will ensure they have updated maps of City boundaries at their immediate disposal by obtaining such through the Engineering Department.
- (e) Officer status indicators.
 - 1. The CAD system is equipped with pre-determined status checking intervals that cause MCC and the shift supervisor monitoring the system to view blinking/highlighted unit numbers if a designated time has elapsed since the unit's last contact or updating. This and related courtesy safety checks will be made by MCC personnel to units that are on calls and have not made radio or other contact.
- (f) Procedures and contact information for securing support services from outside the agency.
 - 1. Department policies regarding procuring equipment and services will be available to MCC personnel; if any additional information is needed MCC may contact the on-duty shift supervisor.

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808.9 IMMEDIATE PLAYBACK CAPABILITY

MCC shall continuously record all radio transmissions and telephone requests for service within the communications center, as well as to maintain the capability of immediate playback of recorded telephone and radio conversations. MCC shall also:

- (a) Ensure security (access to, handling and storage) of recordings.
- (b) Retain all recordings for a minimum period of 30 days.
- (c) Fulfill requests for reviewing recorded conversations made by a member of this department.
 1. Generally, requests for copies of dispatch recordings shall be made by the shift supervisor. Shift supervisors shall contact MCC and request a copy of the recording.

808.10 CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS)

MCC will serve as the primary point of contact with local, state and federal criminal justice information systems. The Department will maintain a terminal to allow access to local, state and federal criminal justice information systems in the Records Division. In addition, eTIME access is available to qualified personnel to use in accordance with TIME System rules.

Each squad will also have access to local, state and federal criminal justice information systems through the mobile data computers. Personnel that are properly trained and certified are allowed to access information through the mobile data computer.

808.11 INTERJURISDICTIONAL COMMUNICATIONS

MCC shall have, at a minimum, the necessary equipment to access interjurisdictional, regional or area law enforcement systems.

- (a) Local information systems include the computerized countywide computerized law enforcement records system which is accessible by MCC for any type of requests being made by field units including local warrants and related police information.
- (b) With the teletype terminals at MCC, personnel may access a number of agencies and files on request which include:
 1. Department of Transportation (DOT) for vehicle and operator records.
 2. Criminal Information Bureau (CIB) for criminal histories.
 3. Statewide network for communications with other law enforcement and criminal justice agencies.
- (c) Such teletype terminals may also communicate with various federal record systems such as the National Crime Information Center (NCIC).
- (d) Data entry and retrieval requirements are the responsibility of MCC and its personnel.

The Wausau Police Department and its members are equipped with radio communications for monitoring and use with the MCC system. Various forms of radio links may be arranged by MCC to allow communications with other agencies and departments.

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808.12 MISDIRECTED EMERGENCY CALLS

Calls received by MCC that are not for agencies within their service areas are referred to other proper agencies in expeditious fashion and as dictated by MCC guidelines.

When calls are received directly by a member of this Department, the member will respond accordingly:

- (a) For calls that require dispatching a unit:
 1. Phone transferred to MCC.
 2. Call taker will take pertinent data and call MCC with the info: call type, complainant name, etc.
- (b) For calls of an emergency nature that do not impact the City of Wausau but an area within MCC's service area:
 1. Transferred to MCC dispatchers/call takers.
 2. In extenuating circumstances, the Department call taker may document related data and call MCC.
- (c) For calls of an emergency nature that do not impact the City of Wausau and are not within MCC's service area:
 1. Referred to the proper jurisdiction.
 2. In extenuating circumstances, the Department call taker may document related data and have MCC send a teletype/radio message to the proper agency.
- (d) Calls of a non-emergency nature will be referred to the proper agency, giving phone numbers for such when known.

808.13 PRIVATE SECURITY ALARMS

MCC shall dispatch two marked units when available to respond to private security alarms.

- (a) One unit shall be designated as the primary response unit and will keep other units apprised as to locations to be positioned, etc.
- (b) If a second marked unit is not available, unmarked units may be used; communication between responding units regarding location, etc. is essential.

Response will be in the most expeditious manner complying with statutory guidelines while using whatever measures are available to arrive on scene undetected.

- (a) The primary response unit will go to a previously agreed upon location such as is the case for bank alarms or one which gives optimum view of the building's front exterior.
- (b) Secondary units will take positions to give maximum vantage points of other entry/escape routes while attempting to eliminate any crossfire possibilities.

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If possible, MCC will attempt to contact the business and talk with a designated security person or employee regarding the alarm status. Arrangements will be made for the employee to give any predetermined codes and/or to meet the primary officer outside the building, if it is alleged to be false.

- (a) Any information gained through this process will be given to the response units.
- (b) Valid alarms will be brought to the immediate attention of all concerned as well as notification of the patrol supervisor.

808.14 FIRST AID INSTRUCTION

MCC staff are authorized to provide emergency first-aid instruction over the telephone or radio in accordance with, and to the degree of his/her training. MCC staff shall be trained to provide emergency first-aid instruction and shall have related support materials immediately available for reference. MCC staff will maintain CPR certification and will use current PowerPhone materials as a guide to instruction.

808.15 COMMUNICATIONS CENTER SECURITY

MCC is located within the Marathon County Sheriff's Department with restricted access. Access to MCC is granted only to authorized personnel through keycard, MCC personnel or Sheriff's Department staff.

Protection and maintenance of equipment including security of transmission lines, antennas and power sources is the responsibility of MCC and the Marathon County Sheriff's Department.

MCC also maintains an alternative power source to ensure uninterrupted communication services as well as a mobile communications center for field deployment.

808.16 ALTERNATE POWER SOURCE

MCC has an alternate source of electrical power capable of operating emergency communication equipment in the event the primary power source becomes unavailable. Inspections/tests of the alternate source are completed in conformance with manufacturer specifications to ensure continuous communications through the alternate source.

"Safe at Home" Law

809.1 PURPOSE AND SCOPE

Effective April 1, 2017, the "Safe at Home" Law, Sec. 165.68, was enacted. This law allows individuals who meet certain criteria, i.e. victims of domestic violence, sexual assault, stalking, human trafficking and any others who fear for their safety, to enroll in this program. The purpose of the program is to assign an address so as not to have the program participants' actual addresses available to individual(s) they fear will locate them.

809.2 POLICY

- a. Participants qualify by enrolling and participating in mandatory safety planning with an advocate. Participants must live at a place not known by the abuser and promise not to disclose that address to the abuser.
- b. Program participants will receive a card issued by the Wisconsin DOJ that contains the DOJ seal, the words "Safe at Home" and the program contact info, as well as the participants' name and assigned address. The address for Safe At Home will be 3902 Milwaukee St. P.O. Box 7188, Madison, WI 53707-7188. The PO Box will be the address listed on the card.
- c. Participants can use their assigned address in place of their actual address.
- d. If a law enforcement officer asks, the participant will produce her/his state-issued Safe at Home enrollment card. A participant enrolled in Safe at Home could be a victim, witness or suspect. Regardless of the contact, the Safe at Home address should be used in the report.
- e. Law enforcement officers should be aware that the participant's residential address, work address, and the school address(es) of the participant, or his/her spouse and children, should be kept confidential.
- f. Wausau Police Department officers shall indicate in the **narrative** portion of their incident report that a Safe at Home card was presented.
- g. The participant's master record will be flagged as "SH-Safe At Home."
- h. The participant's actual address shall not be disclosed on documents, and any reference to Safe at Home will be redacted prior to the release of any records (calls, incident reports, logs, etc.).
- i. If there is a need, the law enforcement officer can contact the Safe at Home program directly at safeathome@doj.state.wi.us to get the actual address of the participant if there is a legitimate law enforcement purpose or a court order has been issued for this information.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Wausau Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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900.4 SEARCHES AT POLICE FACILITIES

Searches of individuals in custody shall be conducted prior to entry to the Wausau Police Department facilities. Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The inventory should include the case number, date, time, member's Wausau Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received.

900.5 STRIP SEARCHES

No person may be the subject of a strip search unless he/she is arrested or detained, in accordance with Wis. Stat. § 968.255(1).

Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person is arrested is required if the person is arrested for a violation of state law punishable by forfeiture, any local ordinance, or a misdemeanor offense other than the following list of offenses that involve weapons or violence:

- Wis. Stat. § 167.30(1)
- Wis. Stat. § 940.19
- Wis. Stat. § 941.20(1)
- Wis. Stat. § 941.23
- Wis. Stat. § 941.231
- Wis. Stat. § 941.237
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

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- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Wausau Police Department or Marathon County Corrections facilities shall be conducted as follows (28 CFR 115.115; Wis. Stat. § 968.255):

- (a) Written authorization from the Chief of Police, Sheriff, or his/her authorized designee, shall be obtained prior to the strip search, unless there is probable cause to believe that the detainee is concealing a weapon.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) The detainee subject to the search shall not be exposed to the view of any person not conducting the search.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Patrol Lieutenant.
 - 4. The name of the individual who was searched.

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5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the completed report shall be maintained and given to the individual who was searched.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Lieutenant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Lieutenant authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Wis. Stat. § 968.255):

- (a) No individual arrested or detained in accordance with Wis. Stat. § 968.255(1)(a) shall be subjected to a physical body cavity search without approval of the Chief of Police, or his/her designee, and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, physician's assistant or registered nurse may conduct a physical body cavity search.
- (c) Except for the physician, physician's assistant or registered nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the

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necessary department members needed to maintain the safety and security of the medical personnel shall be present.

- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Chief of Police, or his/her designee's, approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and a copy shall be provided to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Training Officer shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Members who may conduct a strip search as part of their duties shall also be given annual training on this policy and any related department procedures (Wis. Stat. § 968.255).

900.8 SEARCHES OF PERSONS WITH PHYSICAL DISABILITIES

A search of a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb shall be conducted in a careful manner. If the search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his/her body, the search shall be conducted with extreme care by a member who has had training in handling physically disabled persons (Wis. Stat. § 968.256(2)).

Temporary Custody of Adults

901.1 PURPOSE AND SCOPE

This policy identifies procedures for supervision and accountability for persons being detained by our department. This includes, but is not limited to, identifying authorized temporary holding areas for individuals, restraint considerations, and separation requirements of individuals. It also provides conditions for access to water and restrooms, length of time persons can be held, evacuations, security, and training of personnel responsible for an individual while under our control.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

Custodial searches are addressed in the Custodial Searches Policy.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Wausau Police Department prior to being released or transported to a housing or other type of facility.

901.2 POLICY

Daily police operations are often unpredictable, and it may be necessary to use a room, space or area to separate persons under arrest, maintain control, wait for bonding or responsible persons or prepare proper paperwork and reports. It is the policy of this department to provide adequate facilities to accommodate persons under our control and provide a safe environment for detainees and officers. The Wausau Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

901.3 TEMPORARY DETENTION AREAS

Temporary detention occurs when a person is in custody at a law enforcement facility other than a lockup facility for the purpose of processing, testing or interview/interrogation. The duration of a temporary detention is limited to the period of time necessary to accomplish processing, testing and/or interview/interrogation, and the time reasonably necessary to accomplish release or transfer to a lockup or other correctional facility.

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The following are specific areas within the Wausau Police Department authorized for processing, testing, interview/interrogation and temporary detention of persons in custody:

- (a) Interview rooms located on the main floor.
- (b) Main floor comfort room.
- (c) Fingerprint room.

901.3.1 TEMPORARY DETENTION AREA CONDITIONS

All authorized temporary holding areas shall be visually inspected by the member prior to placing an individual in an area authorized to hold persons. The member shall ensure that no objects or materials of any kind are present in the room, which could be utilized as a weapon or destructive device. Members should ensure that no contraband is present in the area.

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Individuals in custody are monitored at all times, except when using the toilet.
- (b) There is reasonable access to toilets and wash basins (Wis. Stat. § 302.37; Wis. Admin. Code § DOC 349.06(4)).
- (c) There is reasonable access to a drinking fountain or water (Wis. Admin. Code § DOC 349.06(4)).
- (d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (e) There is privacy during attorney visits.
- (f) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (g) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape (Wis. Stat. § 302.37).
- (h) Adequate furnishings are available, including suitable chairs or benches (Wis. Admin Code § DOC 349.06(4)).

901.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others.

The officer should promptly notify the Patrol Lieutenant of any conditions that may warrant immediate medical attention or other appropriate action.

901.4.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Wausau Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

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- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Emergency Detentions Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:

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- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
- (c) If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
- (d) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (e) Forward any communication from the individual to his/her consular officers without delay.

901.5 GENERAL CRITERIA AND SUPERVISION

901.5.1 SUPERVISION IN TEMPORARY CUSTODY

The officer bringing the person into the department is responsible/accountable for the person unless relieved by another officer or department employee. This does not relieve supervisory accountability for persons under our custody or care.

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

Absent exceptional circumstances, a detainee may not be held more than two hours following the conclusion of processing, testing and/or interview/interrogation.

901.5.2 TEMPORARY RESTRAINT OF DETAINEES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Wausau Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

The police department does not have authorized fixed objects to which a person under our control can be secured to. No improvised objects shall be utilized to secure a person to and/or no person shall be secured to any objects such as chairs or tables. Uncooperative individuals should be

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immediately taken to the jail facility. If secured to an immovable object at the Wausau Police Department, it must be designed and intended for such use.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.5.3 SEPARATION OF MALES, FEMALES AND JUVENILES

Male and female subjects under our control should be kept in separate holding areas. Juveniles should not be held with adults unless the adult is a parent, guardian or relative. Holding more than one person per room should be avoided if possible. Consideration should be given as to the relationship of the individuals being temporarily held to avoid subjects harming each other, collaborating to create a disruption, or allowing suspects to create an alibi.

901.6 TEMPORARY DETENTION SECURITY

901.6.1 WEAPONS

Officers should ensure that no weapons, make shift weapons or other objects capable of causing harm are accessible to subjects held in our custody.

901.6.2 SEARCH OF DETAINEE AND AREA INSPECTIONS

It is the responsibility of the detaining officer to ensure that individuals being held in the department are searched to prevent contraband, weapons, hazardous materials, fire producing devices or other illegal or harmful materials from being accessible in the building.

All authorized temporary holding areas shall be visually inspected by the member prior to placing an individual in an area authorized to hold persons. The member shall ensure that no objects or materials of any kind are present in the room, which could be utilized as a weapon or destructive device. Members should ensure that no contraband is present in the area.

901.6.3 LIMITATIONS ON ACCESS TO AREA AND DETAINEES

Detainees shall be under constant supervision by a member while in an authorized holding area and during escort. Access to detainees by other non-department members is at the discretion of the responsible officer and/or supervisor.

901.6.4 MONITORING OF DETAINEES

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody.

901.6.5 ALARMS

In the event of a panic, duress or other building alarm which requires evacuation, the officer who is responsible for the custody of the person being held is also responsible for the safe evacuation of that person. This does not relieve supervisory responsibility to ensure the same.

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901.6.6 ESCAPE PREVENTION

It is the responsibility of the member to ensure that individuals held in the department are prevented from escaping. Officers should be in contact with the individual or ensure they are being monitored or are secured with handcuff restraints and/or the use of door locks to prevent escape.

901.7 SAFETY, HEALTH AND OTHER PROVISIONS

901.7.1 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Wausau Police Department. They should be released or transferred to another facility as appropriate.

901.7.2 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety. It shall be promptly returned when it reasonably appears that any risk no longer exists.

901.7.3 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

901.8 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed and inventoried if being retained for evidentiary or safekeeping purposes. Personal property should otherwise be

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released to the individual, their designee, or subsequent holding facility after release or transfer from temporary custody.

The Patrol Lieutenant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property.

901.9 TEMPORARY DETENTION EVACUATION PLAN

In the event of a fire alarm, the member having control of the person is responsible to ensure the person is evacuated from the building. This does not relieve supervisory responsibility to ensure the safety of all persons under department control.

Fire suppression for any authorized temporary holding area will be accomplished through building fire extinguishers and utilization of the Wausau Fire Department.

901.10 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures. The form and substance of additional training should be consistent with the nature of assignments and responsibilities.

Search and Transport of Detainees

902.1 PURPOSE AND SCOPE

This policy establishes guidelines for searching and transporting prisoners.

902.2 POLICY

When transporting prisoners, officer and prisoner safety is paramount. It is the officer's responsibility to protect persons being transported in department vehicles from injury and not place them in a potentially hazardous position. Prisoners shall be handcuffed and searched prior to transport. The prisoner will be transported in a marked unit whenever possible and officers will ensure, when possible, that all prisoners wear a safety belt while being transported in a department vehicle.

902.3 SEARCH OF PRISONERS

The transporting officer is responsible for the safety of the public, other law enforcement personnel and the prisoner. Transporting officers shall search all prisoners before being transported.

Searches shall be conducted in accordance with department policy, including the following:

- (a) When an officer makes a custodial arrest, the officer shall search the subject and removing any evidence, contraband, or any item or substance which could potentially cause harm to either the officer, the arrestee, or a third party. Searches shall occur prior to placing the arrestee in any police vehicle or facility. Suspects in custody should be handcuffed prior to the search.
- (b) When prisoners are received from another officer/department/jail the receiving officer will search the prisoner prior to transport. It should always be assumed that the prisoner had an opportunity to obtain contraband or a weapon.
- (c) Officers may search the pockets, wallet, purse, bags or any outer garments or articles contained in the outer garments of a prisoner of the same, or opposite, sex.
- (d) Offenders may be searched by an officer of the opposite sex when a safety concern exists or an officer of the same sex as the offender is not readily available.

902.4 SEARCH OF TRANSPORT VEHICLES

Examination of prisoner transport vehicles, marked squads, shall be done at the beginning of each shift by the assigned officer and such vehicles shall also be searched immediately before and after transporting prisoners.

- (a) An exam before each shift by the assigned officer will ensure the squad has not been tampered with since last used, is free of weapons, contraband and/or personal effects, is mechanically safe, is free of damage or defect, and is properly equipped for use.
- (b) Each time a prisoner is transported, the squad will be examined to ensure that no weapons or contraband are present. Latitude is allowed wherein the officer has been in constant control of the squad; however, most squads are not under such control.

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- (c) Once a prisoner has been removed, a search will be conducted before the vehicle is reused to ensure he or she has left nothing behind and that if items are located they may be linked to the person in a timely manner.

902.5 PLACEMENT OF PRISONERS AND OFFICERS IN VEHICLE

Prisoners shall be monitored at all times and secured using appropriate personal and vehicle restraint systems to minimize the chance for escape, attack of the transporting officer or injury to the prisoner. The prisoner should be as comfortable as possible, commensurate with the demands of the trip being made. Prisoners include persons detained, arrested or held in temporary custody.

Whenever available, a unit equipped with a shield will be used to transport prisoners. The following rules apply for vehicles with protective shields:

- (a) When transporting a single prisoner, the prisoner shall be placed in the right rear seat of the vehicle. If present, a second officer will ride in the right front seat.
- (b) When transporting two prisoners, both prisoners shall be in the rear seat. If present, a second officer will ride in the right front seat.
- (c) Under no circumstances should an officer attempt to place more prisoners in a vehicle than it is designed to accommodate.

Although the use of a vehicle with a protective shield should be used when possible, a situation may dictate the use of a vehicle without a protective shield. The following seating arrangements will be used during transport of prisoners in vehicles not equipped with protective shields:

- (a) When transporting a single prisoner, the prisoner shall be placed in the right rear seat. A second officer is required for the propose of transport and will ride in the left rear seat.

When transporting prisoners of the opposite sex than the officer, the following procedures will be followed:

- (a) Upon departing the place of arrest, the transporting officer shall contact Dispatch and state their destination and odometer reading.
- (b) Upon arriving at the appropriate destination, the transporting officer shall notify Dispatch of the ending mileage.
- (c) The destination and odometer reading will be repeated each time the prisoner is moved from one location to another.

902.6 LIMITATION OF COMMUNICATIONS BY PRISONERS

Prisoners are allowed to communicate with the transporting officer. However, in cases where multiple prisoners are being transported at the same time in the same vehicle, the transporting officer should tell the prisoners they are not allowed to communicate with each other during the transport. Safety and security dictate that a prisoner's ability to communicate with attorneys and others is not normally permitted during transport.

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Search and Transport of Detainees

902.7 TRANSFER OF CUSTODY

The following provides guidelines for transporting officers at the point of transfer of custody:

- (a) Anytime officers are transporting a prisoner to or from another agency, officers will adhere to the other agency's policies for transferring custody of a prisoner.
- (b) Before transferring custody of a prisoner to a correctional facility, an officer will secure their firearm in a manner and location provided for by the transferring agency or in the trunk of his or her locked vehicle.
- (c) The prisoner shall remain in restraints until released, unless extenuating circumstances exist. When delivering a prisoner to the jail, a corrections officer is in charge as to when the restraining devices/handcuffs are to be removed from the offender.
- (d) All requisite documentation (e.g. booking sheet, Statement of Emergency Detention, et cetera) shall be completed at the time of release.
- (e) Officers will alert the receiving agency to any unusual security threats or medical issues posed by the prisoner.

902.8 PRISONER ESCAPE

In the event a prisoner is able to escape from officers before, during or after a transport, officers will:

- (a) Immediately notify Dispatch or the local authority if in another jurisdiction of the escape location, description and direction of travel of the escapee and request assistance from the law enforcement agency in which the escape occurred.
- (b) Establish a perimeter and assist the responding agency with a search for the escapee.
- (c) Complete an incident report detailing the circumstances of the escape.

If recapture is not immediate, the shift supervisor will determine other resources which should be utilized as well as notification to other law enforcement agencies when applicable.

902.9 UNUSUAL SECURITY RISKS

An officer shall promptly notify the destination agency when a prisoner deemed to be an unusual security risk is being transported to that location. Advance notice allows the receiving agency time to implement such additional security measures as it deems appropriate, including additional screening, staffing or restraints.

902.10 TRANSPORT OF PRISONERS WITH SPECIAL NEEDS

Improper restraint of sick, injured or disabled prisoners during transport can pose elevated risk of injury to the prisoner or transporting officers, as well as elevated escape risk. The following guidelines are intended to protect individuals from injury, the exacerbation of pre-existing problems or death.

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Search and Transport of Detainees

902.10.1 SICK OR INJURED PRISONERS

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

Sick or injured prisoners will be transported in an ambulance and shall be restrained if the sickness or injury allows and in such a way that does not further injure the person, exacerbate the person's condition or lead to death. At least one officer will accompany a sick or injured prisoner at all times in the ambulance.

If a sick or injured person is taken to the hospital, officers will remain with the prisoner at all times, if medically possible.

In cases where a sick or injured person is admitted to the hospital, officers will notify their supervisor. If the person is in the department's custody for a criminal offense, the supervisor will arrange a rotating schedule of officers who will remain with the prisoner at all times, unless extenuating circumstances exist.

All medical documentation will be brought to the facility that eventually confines the prisoner.

902.10.2 HANDICAPPED OR DISABLED PRISONERS

Officers shall exercise due care when transporting a handicapped or disabled person. If a handicapped or disabled person cannot be safely transported in a police squad, officers should consider transporting the handicapped or disabled person in an ambulance. Officers will ensure the handicapped or disabled person is restrained as appropriate for the person's handicap. Officers will ensure that assistive devices used by the handicapped or disabled person are transported along with the person. Unless circumstances dictate otherwise, officers will not remove any assistive devices used by the handicapped or disabled person.

902.10.3 MENTALLY ILL PRISONERS

Mentally disturbed persons/prisoners may pose a significant threat to themselves and/or the transporting officer. It is the decision of the officer as to what restraining device is used. The device chosen should conform to policy and restrain the individual securely with a minimal likelihood of causing injury. Every attempt should be made to have two officers present during transport.

902.11 SPECIAL TRANSPORT SITUATIONS

The department will not transport prisoners for the purpose of attending funerals, reading of a will, visiting critically ill persons, or other unique situations that may arise. Special transport situations will be the responsibility of the Marathon County Sheriff's Department.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Wausau Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Wausau Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. Furthermore, it is our policy to dedicate resources to attract, assess, and select candidates that possess those values/skills that are consistent with the Department's mission and core values. With the Police and Fire Commission, the Chief of Police retains the authority to select and promote the best-qualified applicants.

1000.3 RECRUITMENT

In cooperation with the Human Resources Department, the Patrol Captain(s) should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. Prospective employees should be provided accurate, up-to-date and relevant information regarding the agency's employment opportunities and processes.

The strategy should include:

- (a) Providing a description of the duties, responsibilities, requisite skills, education level, and other minimum qualifications or requirements.
- (b) Use of electronic, print, or other media marketing strategies to target diverse applicant pools.
- (c) Identifying the agency as an equal opportunity employer on all employment applications and recruitment advertisements.
- (d) Clearly communicating official application filing deadlines.
- (e) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (f) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

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(g) Employee referral and recruitment incentive programs.

The Wausau Police Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 APPLICANT SELECTION AND JOB RELATEDNESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive applicant selection process, which shall include the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Written Test and Oral Interview
- (c) Command Staff Oral Interview
- (d) Background Investigation, which includes review and verification of:
 - 1. Driving record
 - 2. A minimum of three reference checks
 - 3. Employment eligibility verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
 - 4. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
 - 5. Local, state and federal criminal history record checks
- (e) Final Command Staff Oral Interview
- (f) Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible) (Wis. Stat. § 111.37)
- (g) Police and Fire Commission Oral Interview
- (h) Conditional Offer of Employment
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Psychological Exam

All candidates shall meet the minimum standards required by state law (Wis. Stat. § 165.85; Wis. Admin. Code § LES 2.01 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

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Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- (a) Age at the time the behavior occurred
- (b) Passage of time
- (c) Patterns of past behavior
- (d) Severity of behavior
- (e) Probable consequences if past behavior is repeated or made public
- (f) Likelihood of recurrence
- (g) Relevance of past behavior to public safety employment
- (h) Aggravating and mitigating factors
- (i) Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.4.1 APPLICATION

Applications for employment shall be utilized for the purpose of identifying candidates for employment vacancies. Applications shall be screened by the Human Resources Department for minimum requirements.

1000.4.2 WRITTEN TEST AND ORAL INTERVIEW

In order to assess the technical knowledge and proficiencies of an applicant, the Human Resources Department shall arrange for the administering of the applicable test, which will occur at the discretion of the Chief of Police and the Human Resources Department. The Human Resources Department shall inform applicants of the testing date(s) and location of testing.

Test scores shall be reviewed by the Human Resources Department and the Chief of Police, or his/her designee, on the date of testing. Applicants shall be informed whether they have passed said review. Applicants passing said review will be interviewed on the date of testing to assess the communication skills, job knowledge, and abilities of the applicant.

Qualifying veterans of the United States Armed Forces, or qualified spouses of veterans, shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and qualified for placement on the employment list (Wis. Stat. § 230.16(7)).

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A score based on the written test and oral interview(s) will be generated and applicants will be ranked accordingly. Applicants who fail to meet the standard set by the Department shall be notified by the Human Resources Department.

1000.4.3 COMMAND STAFF ORAL INTERVIEW (INITIAL AND FINAL)

In order to assess the communication skills, job knowledge, and abilities of an applicant, interviews will be conducted by members of the Wausau Police Department Command Staff. Individuals outside of the Command Staff may be requested to assist at the discretion of the Chief of Police, or his/her designee. All interviewers will be trained so they are capable of evaluating applicants in a consistent fashion.

Applicants who pass will receive notice from the Human Resources Department.

Applicants who will not proceed in the hiring process will be notified by Human Resources Department.

1000.4.4 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Wausau Police Department (Wis. Admin. Code § LES 2.01). Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d; 16 CFR 600 et seq.).

Background investigations shall be conducted by those persons trained in conducting background investigations and shall include, at a minimum:

- (a) Criminal and driving history check.
- (b) Credentials (work, education, training, special skills) verification.
- (c) Personal reference checks (minimum of three).

A thorough background investigation is a key component of an effective selection process.

Whenever possible, applicable, and/or reasonable, it is best to conduct inquiries in person rather than by phone, mail or other means due to the higher quality of information received from respondents. This does not apply to situations like educational and driving histories, in which standardized documentation exists.

Whenever feasible, the investigation of candidates for sworn positions should include a visit with the candidate and his/her family at their home. Similarly, neighbors should be interviewed.

Generally, background checks come toward the end of the overall process when the pool of eligible candidates has narrowed and more is known about the remaining candidates.

Due to the potential for accessing unsubstantiated, private or protected information, no candidates shall be asked to provide passwords, account information or access to password-protected social media accounts (Wis. Stat. § 995.55).

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When Internet-based searches and/or review of information from social media sites occurs, background investigators shall ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.4.5 PRE-EMPLOYMENT POLYGRAPH EXAM

Following the final Command Staff oral interview, remaining applicants will participate in a pre-employment polygraph exam. The following shall be considered:

- (a) Candidates must be provided notice of the required polygraph exam at the time of their formal application. The notice must include a list of potential subject areas from which polygraph questions may be taken.
- (b) The administration of examinations and evaluation of results must be conducted by a polygrapher trained in employment exam techniques.
- (c) The use of results of polygraph examinations as the sole determinant of employment status is prohibited.

1000.4.6 POLICE AND FIRE COMMISSION ORAL INTERVIEW

Following the pre-employment polygraph exam, remaining applicants shall be recommended at the discretion of the Chief of Police to the Police and Fire Commission for their consideration of employment.

Applicants who pass the Police and Fire Commission oral interview may be extended a conditional offer of employment or be placed on an eligibility list.

Applicants who have not passed the Police and Fire Commission oral interview, or any other phase of the applicant selection process, will be notified by the Human Resources Department.

1000.4.7 CONDITIONAL OFFER OF EMPLOYMENT

Applicants who pass the Police and Fire Commission oral interview may be extended a conditional offer of employment or be placed on an eligibility list. As vacancies occur, the Chief will select from those applicants on the eligibility list and offer conditional offers of employment based upon their successful completion of a medical and psychological exam. All applicants must complete a medical and psychological exam.

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1000.4.8 MEDICAL EXAM

Each candidate for a sworn position must undergo a medical examination and his/her general health status must be certified prior to appointment to probationary status with the Wausau Police Department. Qualified medical personnel shall be used for all medical examinations at the expense of the Wausau Police Department. The exams will verify that the candidate does not have problems, which would inhibit work performance or contribute to work related disabilities. Licensed professionals using valid non-discriminatory procedures will conduct them.

The results will be maintained by the examiner and by Human Resources after Department review.

1000.4.9 PSYCHOLOGICAL EXAM

Each candidate for a sworn position must undergo a valid and job related psychological examination, which is administered and interpreted by a qualified professional prior to appointment to probationary status with the agency. The exam shall be at the expense of the Wausau Police Department. The exams will verify that the candidate does not have problems, which would inhibit work performance or contribute to work related disabilities. Licensed professionals using valid non-discriminatory procedures will conduct them.

The results will be maintained by the examiner and by Human Resources after Department review.

1000.5 RECORDS MAINTENANCE/STORAGE

Availability of all records associated with the selection process will be limited to those persons directly involved in the process. Any candidate's file not being utilized shall be placed in a secure location.

All records associated with the selection process will be turned over and maintained by the Human Resources Department. Confidentiality of contents shall be protected at all times, whether in use or in storage.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The City of Wausau Police Department will utilize the performance evaluation process established by the City of Wausau Human Resources Department. Performance evaluations shall be conducted on an annual basis for every employee except employees on probation, who have a separate schedule. The intent of this policy is to ensure that each employee is evaluated annually and that the performance being evaluated focuses on a specific time period. The system is designed to promote consistency throughout the organization.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1001.2.1 MEASUREMENT DEFINITIONS

Employee performance shall be measured against the following:

- (a) General performance competencies based on the City's core values.
- (b) Position specific performance standards.
- (c) Employee specific performance goals and/or standards.

The following measurement/rating definitions apply to each performance criterion appraised:

- (a) Exceeds Standard
 - 1. Consistently exceeds position requirements and performance expectations.
- (b) Meets Standard
 - 1. Consistently meets position requirements and occasionally exceeds performance standards.
- (c) Below Standard
 - 1. Usually does not meet position requirements or performance expectations and significant improvement required.

1001.3 PROCEDURES

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Evaluation of Employees

1001.3.1 PERFORMANCE EVALUATION TRAINING

The Department requires that all personnel responsible for conducting evaluations shall receive instruction on the evaluation system and procedures before doing reviews. Instruction may be in writing on the performance evaluations themselves. Additional training, on an as need basis, will be facilitated by a division Captain or his/her designee.

1001.3.2 GENERAL INSTRUCTIONS FOR PERFORMANCE EVALUATIONS

The following are general instructions for conducting performance evaluations for regular and probationary employees:

- (a) Evaluation of an employee's performance covers a specific period and such evaluation is based only on performance during that specific period. All employees are accurately and fairly evaluated.
- (b) Supervisors may utilize various forms of documentation received during the member's evaluation period, to include but not limited to: notes, emails, letters, cards, supervisor notebook entries, field evaluations or other levels of disciplinary actions or commendations.
- (c) All performance evaluations shall be completed (written and delivered up the chain of command) in accordance with the performance evaluation schedule set by the Human Resources Department.
- (d) All performance evaluations should be completed by the member's immediate supervisor and should be reviewed up the chain of command before it is reviewed with the member being evaluated.
- (e) The evaluator conducts the review with the member (with another supervisor present as needed) and the supervisor(s) and the member complete/document the sections entitled "Individual Employee Development Plan," "Employee Comments," and "Rater/Reviewer Additional Comments."
- (f) After the performance evaluation review, the employee is directed to sign and date the completed performance evaluation to indicate the employee has read and/or reviewed it.

1001.3.3 PERFORMANCE EVALUATIONS FOR SWORN PROBATIONARY EMPLOYEES

All sworn employees shall serve a probationary period of one (1) year from completion of field training. Written performance evaluations are required for all sworn probationary employees on a quarterly basis. Evaluations may be done more frequently at the discretion of the supervisor.

1001.3.4 PERFORMANCE EVALUATION COUNSELING

Upon the conclusion of the evaluation period, the supervisor completing the evaluation shall utilize proper personnel methods and meet with the employee being evaluated to:

- (a) Explain the actual performance compared to expectations.
- (b) Establish expectations, measurement criteria and/or goals for the next evaluation period.
- (c) Provide information on career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

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Negative performance issues should be addressed by the supervisor in a timely manner as they arise, not solely reviewed during an annual (or other scheduled) performance evaluation.

1001.3.5 PERFORMANCE EVALUATION RESPONSIBILITIES

The following details performance evaluation responsibilities:

- (a) The Chief of Police is evaluated by the Mayor or his/her designee.
- (b) Captains and the Officer Manager are evaluated by the Chief of Police.
- (c) Lieutenants are evaluated by their Captain.
- (d) Sworn employees below the rank of Lieutenant are evaluated by their Lieutenant(s).
- (e) Non-sworn employees (e.g. Community Service Officer, Humane Officer, Parking Control Officer) are evaluated by their Lieutenant. The Evidence Custodian is evaluated by the Investigations Captain.
- (f) Civilian employees are evaluated by the Office Manager.

1001.3.6 REQUIRED SIGNATURES ON PERFORMANCE EVALUATIONS

After the performance evaluation review, the employee shall be directed to sign and date the completed performance evaluation to indicate the employee has read and/or reviewed it. The employee being evaluated shall sign the completed performance evaluation to indicate only that the employee has read/reviewed it. The employee has no grounds for not signing the report once it has been read.

Employee signatures on evaluations ensure that employees have read the evaluation of their performance. A notation should be made that a "refusal to sign" by an employee denotes the same meaning as a signature in that the employee has read the evaluation and discussed its contents.

If an employee requests a copy of his or her evaluation, the supervisor who prepared the evaluation and reviewed its contents with the employee shall provide one to the employee. The employee shall also be given opportunity to add written comments.

Performance evaluations shall be signed by the rater. The rater's supervisor shall then review and sign the evaluation.

1001.3.7 CONTESTED EVALUATION REPORTS

This section outlines a procedure as to how performance evaluations may be contested and the review process required for such contested evaluations. If an employee would like to contest a performance evaluation, he or she shall do so by doing the following:

- (a) Sign the performance evaluation. This indicates only that it was read/reviewed.
- (b) Express to their supervisor their desire to appeal the evaluation.
- (c) Attach a memorandum regarding the basis of appeal and areas of contention addressed to the member's immediate supervisor (the evaluator), with a copy to their Division Captain (if the Division Captain is the evaluator, then copy it to the Chief of Police).

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- (d) The member's Division Captain will review the evaluation and memorandum and may sit down with the evaluator and/or evaluated member for further information. The Division Captain will render their decision on the evaluation process and areas of contention via memorandum to both parties involved.
- (e) Any further contention beyond this point may be addressed through other means such as pertinent contract procedures.

1001.3.8 RETENTION PERIOD

In compliance with applicable ordinances and statutes, this section establishes the retention period for performance evaluation reports. Performance evaluations will be maintained for the duration of the employee's employment and beyond by Human Resources.

Promotions and Assignments

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion and assignments within the ranks of the Wausau Police Department.

The Wausau Police and Fire Commission is established and governed under Wisconsin Statute 62.13.

In regard to promotions, one of the roles of the Commission is to oversee the promotional process in both the police and fire departments. The Commission has been given the authority to adopt, repeal, or modify police/fire rules governing physical examinations, education qualifications, and experience calculated to secure the best service in both departments.

The Commission must approve all police and fire promotion processes prior to their implementation. Police and fire chiefs are responsible for the selection of candidates for promotion and the Commission decides whether or not to approve the selection.

1002.1.1 GENERAL REQUIREMENTS

The following may be considered in evaluating employees for promotion and assignment:

- (a) Presents a professional and neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives

1002.2 ASSIGNMENTS

The following positions are considered assignments and are not considered promotions:

Specialized skills and enforcement team member (examples include: SWAT, Crash Reconstruction Team, Dive Team, Bomb Squad)

Motor officer

School Resource Officer (SRO)

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Field Training Officer (FTO)

K-9 Officer

Special investigations Unit (SIU)

Community Resource Officer unit (CRO)

Victim Response Team (VRT)

Skills training officers (examples include: Firearms, DAAT, CPR, EVOC)

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for assignment:

- (a) Years of experience.
- (b) Regular employee.
- (c) Has shown an interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing and public relations.
- (e) Completed any training required by the Law Enforcement Standards Board (LESB), federal or state law.

1002.3 SELECTION PROCESS FOR ASSIGNMENTS

The following criteria apply to assignments:

- (a) An administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has overseen or has otherwise been accountable for the candidate's performance will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Bureau Commander for whom the candidate will work. The Bureau Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Bureau Commander after the interview, the Bureau Commander will submit his/her recommendation to the Chief of Police.
- (d) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

See the following policies for additional guidance on certain assignments: K-9 (Policy 309), SWAT Team (Policy 346), Dive Team (Policy 347), Victim Response Team (Policy 355), and Bomb Squad (Policy 356).

1002.4 SPECIFICATIONS FOR PROMOTIONS AND ASSIGNMENTS

Assignments:

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K-9 Officer: The applicant must have three years of police officer experience with the Wausau Police Department by the projected date of promotion.

School Resource Officer: The applicant must have three years of police officer experience with the Wausau Police Department by the projected date of promotion.

Special Investigations Unit Investigator: The applicant must have three years of police officer experience with the Wausau Police Department by the projected date of promotion.

Community Resource Officer: The applicant must have three years of police officer experience with the Wausau Police Department by the projected date of promotion.

Victim Response Team: The applicant must have completed probationary employment period prior to application.

Promotions:

Detective: The applicant must have three years of police officer experience with Wausau Police Department by the projected date of promotion.

Patrol Lieutenant: The applicant must have six years of police officer experience with the Wausau Police Department by the projected date of promotion.

Detective Lieutenant: The applicant must have six years of police officer experience with the Wausau Police Department by the projected date of promotion with at least two years of investigative experience in the Investigations Bureau. SIU, CRO, and SRO work experience will be credited as duty assignment in the Investigations Bureau.

Captain: The applicant must have four years experience as a Lieutenant with the Wausau Police Department, or two years experience as a Lieutenant and possessing a bachelor's degree.

Deputy Chief: The applicant must hold the rank of Captain, or have six years experience with the Department as a Lieutenant by the projected date of promotion, or four years experience with the Department as a Lieutenant by the projected date of promotion and possessing a Bachelor's degree.

The Chief of Police or their designee will determine the selection process for promotions and assignments, which may include any or all of the following:

- a. Written Letter of Interest
- b. Knowledge Exam
- c. Position Paper
- d. Peer Review
- e. Supervisor Review
- f. Oral Interview
- g. Other evaluation tools utilized at the Chief's discretion

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h. Police and Fire Commission Interview

Under special conditions, the Police Chief may waive or modify the eligibility requirements for assignments.

Under special conditions, the Police Chief may, with the consent of the Police and Fire Commission, waive or modify the eligibility requirements for promotion.

1002.5 MANAGEMENT OF PROMOTIONAL/ASSIGNMENT PROCESS

The Chief of Police or their designee should manage and review all internal department promotional and assignment processes.

Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1003.2 POLICY

The Wausau Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1003.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1003.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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Anti-Retaliation

1003.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Patrol Captain shall submit in a timely manner a notice to the Wisconsin Department of Justice Training Standards Bureau (WisDOJ TSB) of any appointment, termination, reinstatement, name change or status change regarding any peace officer employed by this department (Wis. Admin. Code LES § 2.01).

The Patrol Captain shall submit in a timely manner a notice to WisDOJ TSB of a felony conviction or any lawful reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (Wis. Admin. Code LES § 6.02).

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Wisconsin and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Wis. Stat. § 813.12).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Wisconsin (Wis. Admin. Code LES § 2.01).

Convictions of certain motor vehicle law violations and other provisions of motor vehicle law may also place restrictions on an employee's ability to fully perform the duties of the job.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may prohibit him/her from carrying out law enforcement duties.

1004.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

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All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

An officer may be exempt from surrender of a firearm that he/she is required, as a condition of employment, to possess whether on- or off-duty if the peace officer is currently the subject of a domestic abuse restraining order or injunction (Wis. Stat. § 813.12(4m)(ag)). As such, members shall promptly notify the Department if they become the subject of any domestic abuse restraining order or injunction.

Alcohol and Drug Use

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have taken any medication, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

Members are prohibited, while on duty, from having a detectable amount of alcohol in their body.

The only exception to this rule is when members, with supervisor approval, consume alcohol while on-duty in an undercover capacity.

1005.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status. Members shall notify the department if they are prescribed a medication that has possible side effects of physical or mental impairment that would cause concern for the well-being of the employee, fellow employees, the Department, or the public. Such notice is also required upon having any adjustments made to the type or dosage of such medication(s).

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using

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controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

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- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Sick Leave

1006.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for by the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

Employees of the Wausau Police Department will refer to their collective bargaining agreement and/or the City of Wausau Employee Handbook for their respective sick leave policy and procedures.

1006.2 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under his/her command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the instances of illness and injury (29 CFR 1910.1030; Wis. Stat. Chapter 252; Wis. Admin. Code Comm § 32.001 et seq.).

The Wausau Police Department follows the City of Wausau's Bloodborne Pathogen Exposure Control Plan, which can be viewed on the City of Wausau Intranet ([LINK](#)).

1007.2 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030; Wis. Admin. Code § SPS 332.50).

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Wausau Police Department facilities or vehicles.

The Wausau Police Department follows the policy and guidelines established by the City of Wausau for all its employees. This policy can be viewed on the City of Wausau Intranet in the Employee Handbook ([LINK](#)).

Disciplinary Procedures

1009.1 PURPOSE AND SCOPE

It is the policy of the Wausau Police Department to administer a positive, focused disciplinary system; achieving consistency, fairness and objectivity. A positive disciplinary system reinforces excellent behavior in addition to being a corrective system.

This policy covers:

- (a) Criteria and procedures for counseling.
- (b) Criteria and procedures for punitive actions, such as but not limited to: verbal reprimand, written reprimand, suspension, demotion and dismissal.
- (c) Recognition of employment rights and procedural safeguards as outlined in Chapter 164, Wis. Stats., Law Enforcement Officers' Bill of Rights.
- (d) The role and authority of supervisors in the disciplinary process.
- (e) Reason, scope, and effective date for the punitive action.
- (f) Employee appeal and hearing rights.
- (g) The procedures for creating and maintaining records of disciplinary actions.

1009.2 DISCIPLINARY SYSTEM

This section covers:

- (a) Definitions.
- (b) Criteria and procedures for counseling.
- (c) Criteria and procedures for punitive actions, such as but not limited to: verbal reprimand, written reprimand, suspension, demotion and dismissal.
- (d) Recognition of employment rights and procedural safeguards as outlined in Chapter 164, Wis. Stats., Law Enforcement Officers' Bill of Rights.

Levels of discipline in order of severity include:

- (a) Counseling or Training
- (b) Verbal Reprimand
- (c) Written Reprimand
- (d) Suspension
- (e) Demotion
- (f) Dismissal

Levels of discipline are guidelines only. The Chief may take disciplinary action outside these guidelines when circumstances are present to warrant deviation. The overall governing doctrine shall be that of progressive discipline.

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1009.2.1 DEFINITIONS

Counseling: Consultation between a supervisor or other assisting agency and an employee regarding skills/habits. Counseling may also include referral to the Employee Assistance Program (EAP).

Demotion: Reduction in status, position, pay scale or rank by the Chief with notification/approval of the Police and Fire Commission.

Discipline: Process by which the Department insures that each employee's conduct conforms to standards set by the Department. Discipline can take two forms: positive, through encouragement/persuasion such as counseling/training or negative including reprimand, suspension, demotion etc.

Dismissal: Discharge or termination of employment by the Chief with notification/approval of the Police and Fire Commission.

Employee Improvement Plan: A plan instituted by a supervisor to improve a member's organizational performance.

Progressive Discipline: Increased discipline when lower levels do not improve performance; does not bar a higher level of discipline from being initially applied.

Suspension: Stopping/ceasing on duty time either with or without pay; for purposes of this policy, suspension is used as being without pay, unless otherwise noted.

Verbal Reprimand: A verbal form of discipline for less serious or minor infrequent offenses.

Written Reprimand: A written form of discipline for less serious or minor infrequent violations documented in the offender's personnel file which may refer to past incidents of a similar nature, verbal warnings, referral to remedial training and/or EAP referral.

1009.2.2 CRITERIA AND PROCEDURES FOR COUNSELING

Counseling serves to influence employee behavior to achieve organizational goals that serve the public. Counseling, which may include instruction, remedial training, and/or the implementation of an Employee Improvement Plan, shall be used to clarify proper conduct and the agency's expectation for correction or improvement. Counseling shall be used for off-task behavior and less serious first time offenses. Counseling may or may not be documented based upon the seriousness and totality of the circumstances. Supervisors may at the very least find it helpful to document counseling in order to establish that an employee was provided notice of what constitutes proper conduct, which may serve as the basis for future disciplinary actions. Counseling may also include referral to the Employee Assistance Program (EAP).

1009.2.3 CRITERIA AND PROCEDURES FOR PUNITIVE ACTION

Punitive actions include, but are not limited to: verbal reprimand, written reprimand, suspension, demotion, and dismissal. The following are general criteria and procedures for each level of punitive action:

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- (a) Verbal Reprimand - Represents the lowest form of formal discipline. Verbal reprimands may be used for less serious or minor infrequent violations. They shall be documented on an Employee Disciplinary Report.
- (b) Written Reprimand - Formal discipline for less serious or minor infrequent violations, which may refer to counseling, verbal warnings, referral to remedial training and/or EAP referral. Although normally the second level of discipline, a written reprimand may be issued without a prior verbal reprimand when the action giving rise to discipline is determined to be intentional, malicious, or of significant consequence. A written reprimand shall be documented on an Employee Disciplinary Report.
- (c) Suspension - Formal discipline for serious or repeated minor violations that results in the suspension of duty time. The type (paid vs unpaid) and duration of suspension shall be determined at the discretion of the Chief and based upon the seriousness of the misconduct and the extent of wrongdoing or injury to any person. A suspension shall be documented on an Employee Disciplinary Report. All suspensions will be reported to the Police and Fire Commission.
- (d) Demotion - Formal discipline taken by the Chief and Police and Fire Commission based upon the filing of formal charges by the Chief of Police. A demotion shall be documented on an Employee Disciplinary Report. Demotion and Dismissal are the highest levels of discipline. Demotion is sought for conduct including, but not limited to:
 - 1. Unlawful behavior.
 - 2. Unethical behavior.
 - 3. Willful, malicious or other behavior that has a significant detrimental effect on the efficiency or operation of the Department.
 - 4. Failure to adequately respond to lesser forms of discipline.
- (e) Dismissal - Termination of an employee by the Chief and Police and Fire Commission. Dismissal shall be documented on an Employee Disciplinary Report. Permanent employees may be dismissed only for just cause. Probationary employees may be dismissed at any time during the probationary period without cause. Dismissal is sought for conduct including, but not limited to:
 - 1. Unlawful behavior.
 - 2. Unethical behavior.
 - 3. Willful, malicious or other behavior that has a significant detrimental effect on the efficiency or operation of the Department.
 - 4. Failure to adequately respond to lesser forms of discipline.

1009.2.4 EMPLOYMENT RIGHTS

The Department recognizes employee rights as afforded by the constitution, applicable state law, and pertinent case law. The agency will strive to stay abreast of evolving case law and disciplinary systems and update this policy accordingly.

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1009.3 SUPERVISOR ROLE AND AUTHORITY

This section specifies the role of supervisory and command staff in the disciplinary process and their authority in each level of disciplinary action. The principle of unity of command as it relates to discipline will be adhered to.:

- (a) Counseling - Any supervisor, regardless of rank, is authorized to engage in the act of counseling, which may include instruction, remedial training, and/or the implementation of an Employee Improvement Plan. First line supervisors shall notify their division captain(s) when an Employee Improvement Plan is implemented. Captains shall notify the Chief when an Employee Improvement Plan is implemented.
- (b) Verbal or Written Reprimand - Any supervisor, regardless of rank, after obtaining chain of command signatures and the Chief's approval may issue a verbal or written reprimand.
- (c) Suspension - A division captain, the Deputy Chief or the Chief of Police may issue a suspension. The Police and Fire Commission shall be notified of any suspension. Any supervisor may temporarily suspend a subordinate with pay for just cause. In said case, the division captain or Chief shall be notified immediately.
- (d) Demotion or Dismissal - The Chief and Police and Fire Commission are responsible for acts of demotion or dismissal.

All levels and methods of discipline are subject to the review of the Chief of Police. Discipline alternatives or other recommendations may be made through the chain of command.

1009.4 PUNITIVE ACTION

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following in a timely manner:

- (a) Reason, scope and effective date for the punitive action.
 - 1. Completion of an Employee Disciplinary Report includes: the order/directive/law violated or a description of violation; an employer statement and report attachments; additional comments and/or recommendations; the effective date of the punitive action; and applicable signatures.
- (b) Appeal and hearing rights.
 - 1. Members wishing to appeal the outcome of any disciplinary action shall do so according to the grievance procedure guidelines for the affected member. If a suspension is ordered, that suspension is reported to the Police and Fire Commission

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as required under State Statute 62.13 and can be appealed to the Police and Fire Commission.

1009.5 DISCIPLINARY RECORDS

This section specifies the procedures for maintenance of records for disciplinary actions requiring documentation, filing, and general preservation of disciplinary history.

Documentation of discipline shall be maintained in the member's personnel file. The Human Resources Department maintains all personnel files in compliance with the Personnel Files policy.

Documentation shall not be purged unless otherwise agreed upon by the member and the Chief of Police. Personnel files are confidential in nature and are viewable only by the pertinent member and his/her supervisors in the chain of command unless viewing is expressly granted in writing by the Chief. Items placed in personnel files should be brought to the attention or have a copy routed to the person whose file is being affected.

Personnel Complaints/Internal Affairs

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Wausau Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

It is the policy of the Wausau Police Department that the integrity of the department and its employees be maintained through an internal system of investigation and review founded on objectivity, fairness, and justice. This process shall be invoked for all complaints against the department or its employees.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining or employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation, to the extent allowed by law.

1010.3 DEFINITIONS

Personnel Complaint: A complaint regarding practices of the Wausau Police Department or any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints will generally be categorized as *procedural*, *minor*, or *serious* complaints and may be generated internally or by the public.

Procedural Complaint: A complaint based on actions, (rather than the conduct, behavior, or demeanor of an employee) that, if performed properly, are acceptable according to legal guidelines and/or department policy; e.g., complaints over towing vehicles, parking enforcement, traffic enforcement, etc.

Minor Complaint: An infraction/complaint based primarily on the conduct of the officer identified in the complaint and alleging a deliberate or neglectful, though minor, violation of a department policy, procedure or regulation. Examples of minor misconduct include rudeness, verbal indiscretion, minor traffic infractions, failure to follow standard operating procedures, failure to properly document police activity, attendance problems, etc. Another determinant of *minor* misconduct is that the alleged action, if sustained, would most likely result in disciplinary action ranging from verbal counseling to a letter of reprimand.

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Serious Complaint: An Infraction/complaint based primarily on the conduct of the officer(s) identified in the complaint and alleging a deliberate or neglectful, *serious* misconduct or violation of a department policy, procedure, rule or regulation, or public law. Examples of *serious* misconduct include, but are not limited to the following:

- (a) Dereliction of duty.
- (b) Inappropriate or excessive force.
- (c) Breach of civil rights.
- (d) Exhibition of bias or harassment.
- (e) Untruthfulness under oath, during an investigation, in a police report or about official matters.
- (f) Insubordination.
- (g) Abuse of position, authority, or access to confidential information.
- (h) Unbecoming conduct.
- (i) Repeated acts of *minor* misconduct.
- (j) Commission of a felony or misdemeanor.
- (k) Corruption.
- (l) Solicitation of gifts or gratuities.
- (m) Failure to report others who commit *serious* misconduct.

Another determinant of *serious* complaint is that the alleged action, if sustained, could result in disciplinary action to include suspension, dismissal, and/or criminal charges.

Preliminary Investigation: A fact-finding process designed to assist the receiving supervisor in determining whether a complaint should be categorized as *procedural*, *minor*, or *serious* misconduct. This may involve a meeting between first line supervisory personnel and an employee who has become the subject of a complaint for the purpose of mediating the complaint and/or discussing the facts and determine the truth regarding the complaint in addition to determining whether an Internal Investigation should be initiated.

Professional Standards Inquiry and Report: Any sustained complaint not otherwise informally resolved by the first-line supervisor during a Preliminary Investigation shall be further investigated and documented in a Professional Standards Inquiry Report. Professional Standards Inquiry Reports shall be completed for all formal *procedural* and *minor* complaints received by this agency.

Internal Investigation: A formal investigation of an employee who has become the subject of a *serious* misconduct complaint.

Criminal Investigation: The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

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1010.4 PROFESSIONAL STANDARDS FUNCTION

The following outlines the professional standards function of the Wausau Police Department:

- (a) The professional standards function of the Wausau Police Department is designed to ensure the integrity of the organization through an internal system of investigation and review of complaints regarding department practices or personnel.
- (b) The professional standards function of the Wausau Police Department, otherwise known as the internal affairs function, shall be the responsibility of the Chief of Police. The Chief of Police shall coordinate/assign/oversee the internal investigation of *serious* misconduct by department employees, review supervisory inquiries into *procedural* and *minor* misconduct complaints, and maintain records of all complaints against the department and its employees.

1010.5 AUTHORITY AND RESPONSIBILITY REGARDING PROFESSIONAL STANDARDS

The following outlines **individual** responsibility regarding professional standards:

- (a) Each employee shall fully cooperate with any person (authorized by the Chief or their designee) conducting an inquiry or investigation regarding the practices or personnel of the department.
- (b) No employee may, in any way, interfere with the official investigation of any personnel complaint.
- (c) Any employee who becomes aware of behavior constituting a *procedural* infraction, *minor* misconduct, or *serious* misconduct shall immediately report the matter to their immediate supervisor. If the immediate supervisor is the subject of complaint, the employee shall report the matter to the next supervisor in the chain-of-command.
- (d) Any employee who has, or is believed to have knowledge of circumstances surrounding a *procedural*, *minor* misconduct, or *serious* misconduct complaint shall submit a written report on the matter upon request by any person conducting an authorized inquiry or investigation.

The following outlines **first-line supervisor** responsibilities regarding professional standards:

- (a) When a first-line supervisor becomes aware of behavior constituting a complaint, he or she shall immediately conduct a Preliminary Investigation into the matter.
- (b) In some cases, a complaint is based on a misunderstanding of accepted law enforcement practices or the duties of the officer. When possible, first-line supervisors are authorized to informally resolve these complaints at the time the report is made. If the complainant is not satisfied with such a resolution, the first-line supervisor shall proceed with the complaint process.
- (c) Upon completion of a Preliminary Investigation, the initiating first-line supervisor should categorize the complaint as *procedural*, *minor*, or *serious*.
- (d) A *procedural* or *minor* complaint will be further investigated to its conclusion in the form of a Professional Standards Inquiry by the first-line supervisor. The Internal Investigation option shall be pursued if it appears that the allegations, if sustained, could result in discipline greater than a letter of reprimand.

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- (e) Any sustained complaint not otherwise informally resolved by the first-line supervisor shall be documented on a Professional Standards Inquiry Report and submitted to the respective Division Captain for review.
- (f) *Serious* complaints require immediate notification of the respective Division Captain(s) prior to initiating any further action. For complaints involving a patrol officer or a member of a specialized unit (e.g. SIU or CRU), a Patrol Captain shall be notified. For complaints involving a detective, the Detective Captain shall be notified. The Captain shall brief the Deputy Chief and Chief of Police and shall oversee completion of the Internal Investigation.

The following outlines **Captain** responsibilities regarding professional standards:

- (a) A Captain shall coordinate the Internal Investigation of *serious* complaints against department employees, review and evaluate Professional Standards Inquiry Reports into *procedural* and *minor* misconduct complaints generated by first-line supervisors, and submit records of all complaints against the department and its employees to the Deputy Chief.
- (b) A Captain conducting an Internal Investigation shall apprise the Deputy Chief and Chief of Police of the existence, progress, and final outcome of the Internal Investigation.

The following outlines **Deputy Chief** responsibilities regarding professional standards:

- (a) The Deputy Chief shall review and evaluate Professional Standards Inquiry Reports, Internal Investigation documents, and submit records of all complaints against the department and its employees to the Chief of Police.

The following outlines **Chief of Police** responsibilities regarding professional standards:

- (a) The Chief of Police shall assign each Professional Standards Inquiry Report and Internal Investigative Report a unique Complaint Registry Number (CRN).
- (b) The Chief of Police shall review completed Professional Standards Inquiry Reports for *procedural* and *minor* misconduct and Internal Investigations for *serious* misconduct.
- (c) The Chief of Police shall rule on the final disposition of an inquiry/investigation and apply, if necessary, any disciplinary action.
- (d) The Chief of Police shall provide notice to the employee and complainant of the final disposition of the inquiry/investigation.
- (e) The Chief of Police shall take any corrective action.
- (f) The Chief of Police shall register and file every complaint.

1010.6 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.6.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a their immediate supervisor. If the immediate supervisor is the subject of complaint, the member shall report the alleged misconduct to the next supervisor in the chain-of-command.

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- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.6.2 COMPLAINT FORMS

Personnel complaint forms will be made available to the public at the reception desk and are accessible through the department website. Forms may also be obtained at any time by contacting the on-duty patrol supervisor.

1010.6.3 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

This department will investigate all false claims made against its law enforcement officers. The Department will advise all complainants that knowingly making a false complaint against an officer may subject the complainant to a Class A forfeiture (Wis. Stat. § 946.66; Wis. Stat. § 66.0511).

1010.6.4 COMPLAINANT NOTIFICATION

The investigating supervisor shall periodically inform a complainant about the status of their complaint, including, but not limited to, acknowledgment of receipt of the complaint, periodic progress updates on the investigation, and final disposition upon conclusion.

1010.7 INVESTIGATION GUIDELINES

The following is a flowchart of the personnel complaint process:

[See attachment: PERSONNEL COMPLAINT PROCESS FLOWCHART.pdf](#)

1010.7.1 PRELIMINARY INVESTIGATION

The supervisor receiving a complaint shall first try to determine the first-line supervisor assigned to the employee of whom the complaint is lodged against. If the employee works a different shift an attempt to refer the complainant to the appropriate first-line supervisor should be made to ensure the most efficient handling of the complaint. If the complainant still wishes to file the complaint immediately, the supervisor will take the initial complaint and provide the complainant with a copy of the Complaint Against Police Personnel form.

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Upon receipt of a citizen complaint, a first-line supervisor shall initiate a Preliminary Investigation into the matter. The Preliminary Investigation may include such steps as:

- (a) Interviewing the complainant, reporting person, or witnesses.
- (b) Interviewing the officer(s) involved.
- (c) Collecting written statements.
- (d) Reviewing documents or audio/visual tapes.
- (e) Observing injuries or physical evidence supporting the allegation.
- (f) Take any action that may be immediately required.

Any sustained complaint not otherwise informally resolved by the first-line supervisor shall result in further investigation by the first-line supervisor and documented in a Professional Standards Inquiry Report.

Serious complaints require immediate notification of the respective Division Captain(s) prior to initiating any further action. For complaints involving a patrol officer or a member of a specialized unit (e.g. SIU or CRU), a Patrol Captain shall be notified. For complaints involving a detective, the Detective Captain shall be notified. The Captain shall brief the Deputy Chief and Chief of Police and shall oversee completion of the Internal Investigation.

Complaints made against a Division Captain or Deputy Chief will be referred directly to the Chief of Police. Complaints against the Chief of Police will be referred to the Mayor or Police and Fire Commission. For those wishing to register a complaint with the Mayor, the complainant shall be referred to the Mayor's Office. For those wishing to register a complaint with the Police and Fire Commission, the complainant shall be referred to the Department of Human Resources.

For allegations of insubordination or disrespectful behavior towards a supervisor, the associated Division Captain may designate someone other than the directly involved supervisor to investigate.

In other instances when there appears to be an interpersonal conflict, the associated Division Captain, at the discretion of the Chief of Police, may designate a non-involved supervisor to conduct the investigation. The intent of this is to reinforce an atmosphere of fairness and objectivity.

1010.7.2 PROFESSIONAL STANDARDS INQUIRY AND REPORT

Any sustained complaint not otherwise informally resolved by the first-line supervisor during a Preliminary Investigation shall be further investigated and documented in a Professional Standards Inquiry Report. First-line supervisors shall exercise careful discretion when resolving informal matters. Professional Standards Inquiry Reports shall be completed for all formal *procedural* and *minor* complaints received by this agency.

The facts obtained through Preliminary Investigation and Professional Standards Inquiry may either exonerate the employee or provide an opportunity to correct performance deficiencies. The outcome could form the basis for disciplinary action.

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Prior to interviewing an employee regarding his or her involvement in a *procedural* or *minor* complaint, the inquiring supervisor shall advise the employee of the nature of the allegation and that it is his or her intent to resolve the matter through a Professional Standards Inquiry. The employee shall be permitted to have representation if he or she desires. If the employee is not willing to informally discuss the incident, the supervisor may order the employee to provide an intra-department written statement on the incident.

If, at any point during a Professional Standards Inquiry, it appears as though the allegation being investigated might rise to the level of *serious* misconduct, the inquiry shall be suspended and the Division Captain shall be contacted to discuss the initiation of an Internal Investigation.

A Professional Standards Inquiry into a personnel complaint should generally be concluded within 30 days. In the event the process will take more than 30 days, the assigned supervisor shall provide the Division Captain with a status report, and will continue to do so at 15-day intervals, thereafter.

Upon conclusion of a Professional Standards Inquiry, the **first-line supervisor** shall take the following action:

- (a) Complete a Professional Standards Inquiry Report.
- (b) Forward the Professional Standards Inquiry Report to the Division Captain.

Upon receipt of a Professional Standards Inquiry Report, the **Division Captain** shall take the following action:

- (a) Review the Professional Standards Inquiry Report into *procedural* and *minor* misconduct.
- (b) Forward all completed reports to the Deputy Chief.

Upon receipt of a Professional Standards Inquiry Report, the **Deputy Chief** shall take the following action:

- (a) Review the Professional Standards Inquiry Report into procedural and minor misconduct.
- (b) Forward all completed reports to the Chief of Police.

Upon receipt of a Professional Standards Inquiry Report, the **Chief of Police** shall take the following action:

- (a) Assign each Professional Standards Inquiry Report a unique Complaint Registry Number (CRN) sequentially starting with the year, then the complaint number (e.g. 2015-1).
- (b) Review the Professional Standards Inquiry Report alleging *procedural* or *minor* misconduct.
- (c) Rule on the final disposition of the investigation and apply, if necessary, any disciplinary action.
- (d) Notify the employee of the final disposition.
- (e) Notify the complainant of the final disposition.
- (f) Take any appropriate corrective action.
- (g) Register and file the complaint.

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1010.7.3 INTERNAL INVESTIGATION

The Internal Investigation process shall be used to investigate allegations of *serious* complaints/misconduct.

It is only during an Internal Investigation that the Notice to Employee of Internal Investigation and Appearance for Interview form is used. A 48 hour notice is suggested unless there are extenuating circumstances. This notice shall be issued in a timely manner notifying the employee that he or she is the subject of an Internal Investigation. The notice shall include the allegations and a description of the employee's rights and responsibilities relative to the investigation, including the right to representation as outlined in the Law Enforcement Officers' Bill of Rights, § 164.02, Wis. Stats.

The facts obtained in an Internal Investigation may exonerate the employee, provide an opportunity to correct performance deficiencies, or form the basis for disciplinary action.

Upon notification of a personnel complaint alleging *serious* misconduct, the Division Captain, at the discretion of the Chief of Police, shall initiate an Internal Investigation and notify the Deputy Chief and Chief of Police that an internal investigation has been initiated. The Division Captain will keep the Deputy Chief and Chief of Police apprised at the below listed intervals or sooner.

The Division Captain shall conduct a thorough investigation, documenting the investigative activity on an Internal Investigative Report, and provide status updates to the Deputy Chief and Chief of Police every ten business days until completion. Every effort shall be made to complete the investigation within 30 days. The Deputy Chief or Chief of Police may grant extensions to the 30-day requirement.

In the event an Internal Investigation will take more than 30 days to complete, the Division Captain shall provide the complainant with a status report, and will continue to do so at 15-day intervals, thereafter.

During the course of the Internal Investigation, the investigating supervisor shall ensure that the confidentiality and security of all information and records generated is maintained.

Upon conclusion of an Internal Investigation, the Division Captain shall forward the Internal Investigative Report for review to the Deputy Chief. Once reviewed, the Internal Investigative Report shall be forwarded to the Chief of Police.

The final disposition of the investigation shall be determined by the Chief.

Upon receipt of a Internal Investigative Report, the Chief of Police shall take the following action:

- (a) Assign the Internal Investigative Report a unique Complaint Registry Number (CRN). Personnel complaints that result in an Internal Investigation will be assigned an additional unique identifier having an "I" following the assigned CRN (e.g. 2015-1I) to permit separate tracking and filing of all information related to the Internal Investigation.
- (b) Review the Internal Investigative Report alleging *serious* misconduct.
- (c) Rule on the final disposition of the investigation and apply, if necessary, any disciplinary action.

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- (d) Complete an Internal Investigation Disposition Report.
- (e) Notify the employee of the final disposition in writing.
- (f) Notify the complainant of the final disposition in writing.
- (g) Take any appropriate corrective action.
- (h) Register and file the complaint.

1010.7.4 CRIMINAL INVESTIGATIONS

If at any time during the complaint process it is determined a crime has occurred, the Chief of Police shall consider the need for a criminal investigation. In the event a criminal investigation is deemed appropriate, the Chief of Police will determine whether the matter will be investigated by a Division Captain or an outside investigative agency.

During the course of a criminal investigation the Division Captain shall provide regular status reports to the Chief of Police.

The Division Captain shall ensure that liaison is maintained with the District Attorney's Office in investigations involving alleged criminal conduct on the part of an employee.

If a criminal investigation is initiated at any point following a review of a Preliminary Investigation alleging serious misconduct or the initiation of an Internal Investigation, all matters related to the Internal Investigation may, at the discretion of the Chief of Police, be suspended pending the outcome of the criminal investigation.

In the event that the employee misconduct is thought to be criminal in nature and it is determined that a concurrent Internal Investigation will be conducted, a Division Captain will ensure that separate internal and criminal investigations are conducted by separate investigators. Information obtained by the internal investigators will not be shared with the criminal investigators.

1010.8 RIGHTS AND RESPONSIBILITIES OF AN EMPLOYEE UNDER INTERNAL INVESTIGATION

When an employee is notified that he or she is the subject of an Internal Investigation, the employee shall be provided a written notice of the allegations and his or her rights and responsibilities relative to the investigation utilizing the Notice of Investigation and Appearance for Interview form. No Miranda rights are required for Administrative Investigations. The employee has no Sixth Amendment right to counsel, as the process is administrative rather than criminal in nature. The employee may request a union representative or a representative of their choice be present during the interview.

The following applies to members covered by the Law Enforcement Officers' Bill of Rights:

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Wausau Police Department or other reasonable and appropriate place.

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- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation (Wis. Stat. § 164.02(1)(a)).
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
- (g) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview should be provided to the member, if so requested, prior to any subsequent interview.
- (h) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) An employee shall not be disciplined, retaliated against or threatened with retaliation for requesting that a representative be present or for acting as the representative for another officer (Wis. Stat. § 164.03). All members shall provide complete and truthful responses to questions posed during interviews.
- (j) A member may only be compelled or requested to submit to a polygraph examination in accordance with Wis. Stat. § 111.37.
- (k) In a situation where an Internal Investigation has been suspended in lieu of a criminal investigation, the employee shall be afforded rights consistent with a standard criminal investigation.
 - 1. The investigating supervisor shall advise the employee of his or her Miranda rights when appropriate.
 - 2. The investigating supervisor shall advise the employee that if he or she asserts his or her rights not to answer questions, no adverse administrative action will be taken based upon the refusal.
 - 3. If the employee decides to answer questions after being advised of his or her Miranda rights, the responses may be used in both criminal and administrative proceedings.

1010.9 INVESTIGATIVE TOOLS AND RESOURCES

1010.9.1 POLYGRAPH PROCEDURES

The following shall be considered when deciding to administer a polygraph:

- (a) All personnel shall be required to submit to a polygraph examination when ordered to do so by the Chief of Police and when the examination is specifically directed and narrowly related

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to a particular Internal Investigation being conducted by the department in accordance with § 111.37 (5)(a), Wis. Stats.

- (b) When a personnel complaint being investigated originates with a citizen, employees shall not be required to submit to a polygraph unless the complainant first participates in a like examination.
- (c) No employee shall be compelled to submit to a polygraph examination if, at any time, the investigator determines the investigation is likely to result in criminal charges being brought against the employee under investigation.

1010.9.2 MEDICAL AND LABORATORY EXAMINATION

The following shall be considered when deciding to arrange for a medical and/or laboratory examination:

- (a) In accordance with all contractual agreements, a supervisor may, based on his/her reasonable suspicion, require a department employee to submit to a test for alcohol or drug use while on duty.
- (b) When ordered by the Chief of Police, employees shall be required to submit to any additional medical and laboratory examinations that are specifically directed and narrowly related to an Internal Investigation of the employee's performance or fitness for duty.
- (c) Whenever an employee is ordered by the Chief of Police to undergo a medical or laboratory examination as a condition of his or her employment, the examination will be provided at no cost to the employee.
- (d) If, at any time, it is determined that the investigation is likely to result in criminal charges being brought against the employee under investigation, the assigned supervisor shall confer with the Chief of Police who may confer with the District Attorney before proceeding under this section.

1010.9.3 PHOTOGRAPH AND LINEUP IDENTIFICATION PROCEDURES

The following shall be considered when choosing to conduct photograph and/or lineup identification procedures:

- (a) When ordered by the Chief of Police, an employee shall submit to being photographed for the purpose of creating a photo array when one is needed to identify an employee accused of misconduct.
- (b) When ordered by the Chief of Police, an employee shall be required to participate in a lineup for the purpose of identifying an employee accused of misconduct.
- (c) If, at any time, it is determined that the investigation is likely to result in criminal charges being brought against the employee under investigation, the assigned supervisor shall confer with the Chief of Police who may confer with the District Attorney before proceeding under this section.

1010.9.4 FINANCIAL DISCLOSURE STATEMENTS

The following shall be considered when requesting financial disclosure statements:

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- (a) When ordered by the Chief of Police, an employee shall be required to make financial disclosure statements when such statements are directly and narrowly related to an internal investigation.
- (b) If, at any time, it is determined that the investigation is likely to result in criminal charges being brought against the employee under investigation, the assigned supervisor shall confer with the Chief of Police who may confer with the District Attorney before proceeding under this section.

1010.9.5 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.10 DUTY STATUS OF EMPLOYEE UNDER INVESTIGATION

When a complaint of misconduct is of a *serious* nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, or the employee does not appear fit to continue performing official duties, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.11 PERSONNEL COMPLAINT ADJUDICATION (DISPOSITIONS)

Completed Professional Standards Inquiries and Internal Investigations shall be classified using the following guidelines:

- (a) **Unfounded:** Investigation indicates that the allegations are false.
- (b) **Not Sustained:** Insufficient evidence to either prove or disprove the allegations.
- (c) **Sustained:** The allegations are supported by sufficient evidence to conclude they are true.
- (d) **Exonerated:** Investigation indicates that the incident occurred, but was justified, lawful, and proper under the circumstances.
- (e) **Directive Failure:** The investigation reveals that the allegations are true; however, the employee was acting in accordance with established department directives.

A conclusion of fact shall support the final complaint classification.

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1010.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.14 POST-DISCIPLINE APPEAL RIGHTS

A non-probationary employee may have the right to appeal the imposition of a disciplinary suspension, transfer, demotion or termination as provided in a collective bargaining agreement, local ordinance or police commission rule (Wis. Stat. § 62.13(5)(i); Wis. Stat. § 62.50(13); Wis. Stat. § 59.26(8)(b)(6)).

1010.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

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1010.16 MAINTENANCE OF RECORDS

The following pertains to maintenance of Professional Standards Inquiry and Internal Investigation records:

- (a) All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.
- (b) Each personnel complaint will be registered with a unique Complaint Registry Number (CRN) provided by the Chief of Police and documented on the proper forms/reports which will be filed and maintained by the Chief of Police.
- (c) Personnel complaints that result in an Internal Investigation will be assigned an additional unique identifier having an "I" following the assigned CRN (e.g. 2015-11) to permit separate tracking and filing of all information related to the Internal Investigation.
- (d) During the course of a Professional Standards Inquiry or Internal Investigation the department or its members will not identify any employee under investigation. Upon conclusion of a Professional Standards Inquiry or Internal Investigation, the department will not release the identity of an employee named in a personnel complaint without cause.
- (e) The Chief of Police shall ensure confidentiality by maintaining a secure file of all personnel complaints in the office of the Chief of Police, which has limited, controlled access. Said files shall be kept separate from personnel files.

1010.17 ANNUAL REVIEW

The Chief of Police, or his or her designee, shall conduct an annual review of all complaints to determine any patterns, tendencies, et cetera that may need to be addressed.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and Wis. Stat. § 347.48.

1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Wis. Stat. § 347.48(2m)).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement (Wis. Stat. § 347.48(2m)(dm)).

1011.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1011.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1011.6 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Wis. Stat. § 347.48(4)(am)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

When the physical or medical needs of a child at least 4 years old make restraint by seat belt unreasonable, the child may be transported in an authorized emergency vehicle when the vehicle is being operated in the performance of official duties (Wis. Admin. Code § Trans 315.03(2)).

1011.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Wausau Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Patrol Captain shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Wausau Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions.

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Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 RANGEMASTER RESPONSIBILITIES

The Lead Tactical Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

Personnel Files

1013.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention and access to personnel files.

1013.2 POLICY

It is the policy of the Department to maintain consistent employment records and preserve the confidentiality of personnel information contained in personnel files pursuant to state law (Wis. Stat. § 19.36(10)).

1013.3 PERSONNEL FILES DEFINED

Definitions related to this policy include:

Personnel file - Any file, including a department, Bureau, supervisor, training, separately maintained Internal Affairs or medical file, containing information about an employee and maintained because of the employer-employee relationship, including a file relating to the performance or merit of an employee.

1013.4 SECURITY AND MAINTENANCE OF PERSONNEL FILES

Personnel files shall be maintained in a secured location, locked either in a cabinet or access-controlled room. If personnel files are maintained in an electronic format, then adequate password protection shall be employed.

1013.4.1 INTERNAL AFFAIRS FILE

The Internal Affairs file shall be maintained under the exclusive control of the office of the Chief of Police. Access to these files may only be granted by the Chief of Police. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

1013.4.2 TRAINING FILES

An individual training file shall be maintained for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) It shall be the responsibility of the involved employee to provide their immediate supervisor with timely evidence of completed training/education when the records are required by law or the Department.
- (b) The supervisor shall ensure that such training records are placed in the employee's training file.

The Patrol Captain or his/her designee is responsible for the creation, filing and storage of all training records in compliance with state data requirements and Law Enforcement Standards

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Board (LESB) standards. Training records shall be retained in compliance with the current records retention schedule. The Patrol Captain or his/her designee is responsible for completing and submitting the annual agency roster verification to LESB Training and Standards Bureau (TSB).

1013.4.3 MEDICAL FILE

A confidential medical file shall be maintained by Human Resources and separately from all other files. The file shall contain all documents relating to the employee's medical condition and history. No medical information shall be kept outside the medical file. Medical file contents should include, but are not limited to:

- (a) Materials relating to the Family and Medical Leave Act (FMLA) or other medical leaves of absence.
- (b) Documents relating to workers' compensation claims or receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.
- (e) Any other documents or material that reveal the employee's medical history or medical condition, including past, present or anticipated mental, psychological or physical limitations.

1013.5 CONFIDENTIALITY OF ALL PERSONNEL FILES

Personnel files are private and confidential and may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to legal counsel for review and a decision regarding the action to be taken (Wis. Stat. § 19.36(10)).

1013.6 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data contained in any personnel record will be considered. Any employee receiving a request for disclosure of personnel files shall promptly notify the Patrol Lieutenant and the custodian of records (Wis. Stat. § 19.31 et seq.).

The custodian of records shall ensure that an appropriate response to the request is made in a timely manner, in accordance with applicable law. In many cases, this will require the assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data, shall be logged in the corresponding file and the affected employee will be notified in writing prior to access and within three days after making the decision to permit access (Wis. Stat. § 19.356(2)(a)).

1013.6.1 RELEASE OF CONFIDENTIAL INFORMATION

No employee of this department may disclose private or confidential data without the written consent of the affected employee or written authorization of the Chief of Police or the authorized

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designee except as provided by this policy, pursuant to lawful process and pursuant to state law or court order.

1013.7 EMPLOYEE ACCESS TO HIS/HER OWN FILE

Upon request, an employee may review his/her personnel file up to two times each calendar year, unless otherwise provided in the collective bargaining agreement (Wis. Stat. § 103.13(2)).

Employees may be restricted from accessing files containing any information that includes (Wis. Stat. § 103.13(6)):

- (a) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation, pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files that have not been sustained against the employee.
- (c) Criminal investigations involving the employee.
- (d) Letters of reference concerning employment, licensing or issuance of permits regarding the employee.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
- (g) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

1013.8 PURGING OF FILES

Data in personnel files not related to pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

Commendations and Awards

1014.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for recognizing Department employees and citizens for exceptional performance.

The Wausau Police Department will recognize outstanding performance of employees and citizens making substantial personal contributions to the Department or community.

The Department will identify and recognize specific acts of heroism, bravery, or notable accomplishments and establish guidelines to identify those who have distinguished themselves through performance of those acts or accomplishments.

1014.2 AWARD AND COMMENDATION TYPES

The following types of commendations and awards are made available by the Department for the purpose of recognizing outstanding performance by employees and to citizens that make substantial personal contributions to the Department or community.

1014.2.1 MEDAL OF HONOR

An officer performing an act above and beyond the call of duty that results in serious bodily harm or death to that officer will receive the Medal of Honor. The Medal of Honor is the highest award presented by the Wausau Police Department.

1014.2.2 MEDAL OF VALOR

The second highest department award recognizes outstanding officer achievement. The Medal of Valor will be awarded to officers who distinguish themselves with extraordinary acts of bravery or heroism above and beyond the call of duty. Officers must have displayed extreme courage by placing their own safety in immediate peril in an effort to provide protection or preservation of life.

1014.2.3 PURPLE HEART

This award may be given in addition to a higher award. The Purple Heart is awarded when an officer receives a wound or serious physical injury in the line of duty under honorable circumstances. A wound or serious injury, not an act, justifies this award.

1014.2.4 POLICE STAR

The Police Star will be awarded to an officer for performance of an act of distinguished bravery or the arrest of a person(s) who is a major threat to the welfare of the community and/or the officer.

1014.2.5 DISTINGUISHED SERVICE

Employees who distinguish themselves for a prolonged period of meritorious service may be awarded the Distinguished Service Medal.

1014.2.6 MEDAL OF MERIT

The Medal of Merit will be awarded to employees who distinguish themselves by meritorious achievement or service. Meritorious actions are those which clearly exceed that which is normally

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required or expected. The degree of merit need not be unique but must be exceptional and superior. Acts of courage which do not meet the voluntary risks of life requirements for the Medal of Valor may be considered for the Medal of Merit.

1014.2.7 LIFESAVING AWARD

Any employee who, on or off duty, saves the life of another, may be awarded the Lifesaving Medal.

1014.2.8 HONORABLE SERVICE MEDAL

The Honorable Service Medal may be presented to employees upon honorable retirement. Retirement will be defined according to contractual or ordinance language for the employee.

1014.2.9 CHIEF'S COMMENDATION

The Chief's Commendation is an award to any member for an outstanding accomplishment which has resulted in improved administration, improved operations, or substantial savings in employee or operational costs, where the recipient has gone above and beyond the requirements of the recipient's normal assignment to contribute to a more effective and efficient police service, or for outstanding police work which has brought a great credit to the Department in a case of unusual public interest. This award will be in the form of a printed certificate.

1014.2.10 LETTER OF COMMENDATION

A letter, commending an employee, may be written or accepted by the Chief for one of the following reasons:

- (a) Completion of a job task in an exemplary manner.
- (b) Submission of a recommendation which directly contributes to increased agency productivity or efficiency.

A supervisor may recommend a letter of commendation for an employee by submitting a memorandum to the Chief of Police. The memorandum shall detail the specific actions or ideas which merit the commendation. The memorandum will be forwarded to the Chief of Police with each command level attaching appropriate comments.

Letters received from outside the Department commending an employee's on-duty conduct should be forwarded to the Chief of Police. The Chief will review each letter, prepare a response to the sender, make comments if appropriate and forward the letter to the employee through the chain of command.

1014.2.11 CITIZEN CERTIFICATE OF COMMENDATION

An award granted to any citizen for an act of outstanding bravery or heroism or for an outstanding contribution to law enforcement by which the citizen has demonstrated the characteristics of selflessness, personal courage, or an outstanding concern for the citizens of the City of Wausau or the Wausau Police Department.

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1014.2.12 POLICE AND FIRE COMMISSION'S POLICE MEDAL

The Police & Fire Commission's Police Medal will be awarded to officers who perform noteworthy service to the community which reflects credit and approbation on the Wausau Police Department.

1014.3 AWARD STYLES

The style of awards listed above are as follows:

- (a) Medal of Honor — Letter, medal and bar ribbon
- (b) Medal of Valor — Letter, medal and bar ribbon
- (c) Purple Heart — Letter, medal and bar ribbon
- (d) Police Star — Letter, medal and bar ribbon
- (e) Distinguished Service — Letter, medal and bar ribbon
- (f) Medal of Merit — Letter, medal and bar ribbon
- (g) Lifesaving — Letter, medal and bar ribbon
- (h) Honorable Service — Letter and medal
- (i) Chief's Commendation — Letter, certificate and bar ribbon
- (j) Letters of Commendation — Letter
- (k) Citizen Certificate of Commendation — Letter and certificate
- (l) Police & Fire Commission Police Medal — Medal and certificate

1014.4 DISPLAY OF AWARDS

The following applies to award ribbons:

- (a) Ribbon bars will be worn horizontally, centered immediately above the nameplate on the uniform of the day shirt.
- (b) Multiple ribbon bars will be arranged in row(s) not to exceed the width of the outside pocket seam.
- (c) The highest award should be displayed closest to the heart.
- (d) When an odd number of ribbons are worn, the highest award shall be displayed on the top row and centered.
- (e) The wearing of the bar ribbon(s) are optional.

The following applies to award medals:

- (a) Medals will only be worn for formal occasions or when so instructed by a superior officer.
- (b) No more than two medals may be worn, with the highest awarded medal closest to the heart.
- (c) The medal(s) shall be centrally positioned on the upper portion of the right pocket flap.
- (d) Medals and ribbons are not worn on the same uniform.

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1014.5 NOMINATIONS FOR DEPARTMENT AWARDS

With the exception of letters of commendations issued directly by supervisors and letters of commendations received from outside the agency, employees who wish to nominate a member for an award or letter of commendation will prepare a written statement outlining all facts surrounding the incident and any other reason(s) why the employee should receive an award or commendation.

The written statement will then be forwarded to the Chief of Police.

The Police & Fire Commission's award will be not subject to the conditions set forth in this section.

1014.6 AWARD PRESENTATIONS

With the exception of a letter commending an employee, award recipients will be presented their awards during one of the following venues:

- (a) A regular meeting of the City of Wausau Common Council
- (b) A regular meeting of the Police and Fire Commission
- (c) A Department ceremony

1014.7 DOCUMENTATION OF AWARDS

Copies of award letters and certificates will be permanently placed in the recipient's personnel file.

1014.8 PRESS RELEASE

A press release may be prepared and circulated to the news media outlining the manner in which the recipient earned the award. A copy of the press release may be sent to the employee's hometown newspaper. A copy of the press release shall become a permanent part of the employee's personnel file.

1014.9 LOCAL, STATE AND/OR NATIONAL RECOGNITION

When appropriate, the Department may submit the name of the an individual who has been awarded the Medal of Honor, or the Medal of Valor, or Purple Heart, or Lifesaving Award to any official group seeking to recognize meritorious service. A copy of any such submission, and subsequent awards, will become a permanent part of the individual's personnel file.

1014.10 AWARDS CEREMONY

The Chief of Police may elect to host an awards ceremony to recognize the exceptional efforts of officers and/or citizens. In preparation for such an event, the following should occur:

- (a) An Awards Committee shall be established by the Chief of Police, or his/her designee. The Awards Committee is responsible for:
 - 1. Creating a list and description of awards to be presented at the ceremony.
 - 2. Providing notice to employees and/or the public of the awards ceremony.
 - 3. Soliciting nominations for the awards.

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4. Evaluating all nominations.
 5. Selecting and submitting nominations for awards to the Chief of Police for approval.
 6. Maintaining confidentiality concerning all discussions and deliberations concerning award nominations.
- (b) Employees of the Department who wish to nominate a member for an award will prepare a written statement outlining all facts surrounding the incident and any other reason(s) why the member should receive the award.

Below is an example of a list and description of awards that may be presented at an awards ceremony:

[See attachment: Wausau Police Department Awards.pdf](#)

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Wis. Admin. Code LES § 2.01(1)(g)). Standards have been shown to be directly related to the tasks performed and do not eliminate or penalize employees who can otherwise perform the task of their assignment, with or without reasonable accommodation.

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) A supervisor may determine whether the employee should be temporarily relieved from duty.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1015.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Lieutenant or unit supervisor and with the concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources, and at no cost to the employee, to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding (Wis. Stat. § 40.07(1m)(b)).
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply

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with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Outside Employment

1016.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee collective bargaining agreement.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1016.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Compliance with department policy and processes is required. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

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Outside Employment

1016.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievances Policy or the procedure set forth in the current collective bargaining agreement.

1016.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1016.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

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- (d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1016.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

No member may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1016.3.2 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Bureau Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1016.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1016.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1016.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members who are engaged in outside employment and are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police

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whether such outside employment should continue or the approved application be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advice.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The outside employment is not compatible with the reason the employee is on administrative leave.
- (d) The employee failed to make timely notice of his/her intentions to his/her supervisor.

When the disabled employee returns to full duty with the Wausau Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Lactation Breaks

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid.

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Lactation Breaks

Occupational Disease and Work-Related Injury Reporting

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any mental or physical harm to an employee caused by accident or disease (Wis. Stat. § 102.01(2)(c)).

1018.2 POLICY

The Wausau Police Department will address occupational diseases, some mental health issues and work-related injuries appropriately, and will comply with applicable state worker's compensation requirements (Wis. Stat. § 102.01 et seq.).

1018.3 RESPONSIBILITIES

1018.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (Wis. Stat. § 102.12).

1018.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding worker's compensation are completed and forwarded promptly. Any related City-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Safety and Health Program policies apply and take additional action as required.

1018.3.3 BUREAU COMMANDER RESPONSIBILITIES

The Captain who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police to ensure any required Department of Safety and Professional Services reporting is made as required in the safety and health program identified in the Safety and Health Program Policy.

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Occupational Disease and Work-Related Injury Reporting

1018.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1018.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for worker's compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Bureau Commander through the chain of command and a copy sent to the Administrative Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1018.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1018.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1019.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1019.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1019.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn officers, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1019.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn.

1019.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1019.2.4 FACIAL HAIR

Beards are permitted if they are maintained in a neat, clean manner, presenting a groomed appearance and they do not interfere with the wearing of necessary police equipment. Extreme beard styles as determined by the Chief of Police shall not be allowed.

1019.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1019.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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Personal Appearance Standards

Earrings shall not be worn, with the exception of post style earrings, by uniformed sworn officers, investigators or special assignment personnel without permission of the Chief of Police or the authorized designee. Only one ring may be worn on each hand of the employee while on-duty.

1019.3 TATTOOS

At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those that depict racial, sexual, discriminatory, gang related or obscene language. The ultimate decision to determine if a tattoo is offensive rests with the Chief of Police.

Officers are not permitted to have visible tattoos on the neck, face, or hands.

Officers considering visible tattoos are encouraged to discuss the content of the tattoo with the Chief of Police.

1019.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

1019.5 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

Uniform Regulations

1020.1 PURPOSE AND SCOPE

The uniform policy of the Wausau Police Department is established to ensure that uniformed officers, special assignment personnel and non-sworn employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

[See attachment: Uniform and Equipment Specifications Manual.pdf](#)

The Wausau Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1020.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as a law enforcement authority.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat and clean.
- (b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications, which are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events.

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- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform.
- (i) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch.
 - 2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1020.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Commander.

1020.3 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2-inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

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- (e) Assignment insignias, (e.g., SWAT and FTO) may be worn as designated by the Chief of Police or the authorized designee.
- (f) An American flag pin may be worn, centered above the nameplate.
- (g) The department-issued badge or an authorized sewn-on cloth replica must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.
- (h) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or the authorized designee may authorize exceptions.

1020.3.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police or the authorized designee.

1020.4 CIVILIAN ATTIRE

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks, appropriate pants, or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, appropriate pants, shirts, blouses or suits that are moderate in style.
- (d) The following items shall generally not be worn on-duty unless otherwise permitted by the Chief of Police or his/her authorized designee:
 - 1. T-shirt alone
 - 2. Open-toed sandals or thongs

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3. Swimsuit, tube tops or halter tops
 4. Spandex type pants or see-through clothing
 5. Distasteful printed slogans, buttons or pins
 6. Denim pants
 7. Shorts
 8. Sweatshirts, sweatpants or similar exercise clothing
- (e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Wausau Police Department or the morale of the employees.
- (g) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area, unless their badge is displayed next to the firearm.

1020.5 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Wausau Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Wausau Police Department to do any of the following (Wis. Stat. § 164.015):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or on any motion picture, film, video, public broadcast or on any website.

1020.6 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:

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1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1020.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Wausau Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Wausau Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

1020.8 REQUIRED EQUIPMENT AND ACCESSORIES

On duty uniformed officers shall have on their person the following equipment and accessories:

- (a) Authorized handgun, magazines, duty ammunition, holster and magazine pouch.
- (b) Authorized baton and holder.
- (c) Authorized Taser and holster, if available.
- (d) Authorized pepper spray and holder.
- (e) Handcuffs, key and case (handcuffs shall be black or silver/gray in color).
- (f) Department issued portable radio with clip and/or holder.
- (g) Rubber gloves.
- (h) Police identification card.

On duty non-uniformed officers, investigators, detectives, and supervisors shall have on their person the following equipment and accessories (unless operating undercover or on special assignment):

- (a) Authorized handgun, magazines, duty ammunition, holster and magazine pouch.
- (b) Handcuffs, key and case (handcuffs shall be black or silver/gray in color).
- (c) Department issued portable radio with clip and/or holder, pager, or cellular phone.
- (d) Police identification card and badge.

On duty uniformed and non-uniformed personnel may have on their person the following equipment and accessories:

- (a) Utility tool/knife. The tool/knife shall be within a holder or secured firmly on the officer's person.

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- (b) Second set of handcuffs.
- (c) Flashlight and holder.
- (d) Medical kit, including, but not limited to, chest seals, Israeli/modular bandage and tourniquet.

Uniformed and non-uniformed personnel shall follow Policy 1012 - Body Armor with respect to body armor requirements.

1020.9 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).

Police Cadets and Explorers

1021.1 PURPOSE AND SCOPE

Cadets and explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1021.2 RIDE-ALONG PROCEDURES

All cadets and explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Patrol Lieutenant. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating on a ride-along.

Nepotism and Employment Conflicts

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1022.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1022.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1022.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Department Badges

1023.1 PURPOSE AND SCOPE

The Wausau Police Department badge and uniform patch as well as the likeness of these items and the name of the Wausau Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1023.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1023.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police or the authorized designee, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Wausau Police Department with the written approval of the Chief of Police or the authorized designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her badges upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1023.2.2 NON-SWORN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform, while on-duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1023.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may keep their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1023.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated (Wis. Stat. § 946.70).

1023.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Wausau Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

Modified Duty Assignments

1024.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1024.2 POLICY

Subject to operational considerations, the Wausau Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1024.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Wisconsin Fair Employment Act (Wis. Stat. § 111.31 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Wausau Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1024.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Patrol Lieutenant or Bureau Commander, with notice to the Chief of Police.

1024.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

1024.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1024.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1024.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1024.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1024.7.1 NOTIFICATION

Pregnant employees shall notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1024.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

Nothing in this section is intended to supercede the department member's current collective bargaining agreement.

1024.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification,

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training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Performance Evaluations

1025.1 PURPOSE AND SCOPE

Performance evaluations are conducted on an annual basis and administered in accordance with the City of Wausau Human Resources Department policy and guidelines.

Employee Speech, Expression and Social Networking

1026.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1026.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1026.2 POLICY

Public employees occupy a trusted position in the community, and thus their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Wausau Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

1026.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Wausau Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1026.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Wausau Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Wausau Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Wausau Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Wausau Police Department.
- (f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Wausau Police

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Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

- (h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., informing family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1026.4.1 UNAUTHORIZED ENDORSEMENTS, ADVERTISEMENTS, AND SOLICITATIONS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Wausau Police Department or identify themselves in any way that could be reasonably perceived as representing the Wausau Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support, or oppose any product, service, company or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Wausau Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

Use and/or incorporation of the term "Wausau Police" in a public fundraising activity could reasonably be construed as the fundraising activity being supported by and/or affiliated with this department. Therefore, to meet the department's public-trust needs, unless specifically authorized by the Chief, an employee may not (in his/her employment capacity, individual capacity, or through an outside group or organization) do any of the following:

- (a) Use and/or incorporate the term "Wausau Police" in any form for fundraising purposes.
- (b) Authorize another person or entity to use/or incorporate the term "Wausau Police" in any form for fundraising purposes.

1026.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1026.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1026.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Locker Rooms

1027.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each member's rights and privacy are maintained (Wis. Stat. § 175.22).

1027.2 POLICY

The purpose of this policy is to establish guidelines for maintaining the privacy of members while inside a department locker room.

1027.3 SECURITY

Members should not enter a locker room designated for a person of the opposite sex unless:

- (a) The locker room is empty of members of the opposite sex.
- (b) The entering member reasonably believes there is a medical emergency involving a person unable to consent.

Generally, entry of the opposite sex should be restricted to locker room or building maintenance or the gathering of property.

Members who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the member has taken care of personal affairs and has exited.

Situations requiring an immediate conversation regarding the safety or security of another member, person or citizen, will require the member to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, a member of the same sex may enter the locker room to obtain information from the member.

1027.4 PRIVACY

At no time will video recording devices be used. Audio recording devices may be used only with the written permission of the Chief of Police or the authorized designee. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of member misconduct.

At no time will a member utilize a recording device, including but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones to capture, record or transfer, either openly or in secret, a representation of a nude or partially nude person in a locker room.

Members who violate this policy are subject to discipline up to and including termination.

Safety and Health Program

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Wausau Police Department, in accordance with the requirements of Wis. Stat. § 101.055 and Wis. Admin. Code § SPS 332.15.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1028.2 POLICY

The Wausau Police Department adheres to the City of Wausau Human Resources Department policy for Reporting and Investigating Work Related Injuries.

Collective Bargaining

1029.1 PURPOSE AND POLICY

This policy establishes that:

- (a) Collective bargaining agreements are duly considered in the management of the Department.
- (b) All personnel subject to an agreement should receive copies from their respective bargaining unit.
- (c) Supervisory personnel will have access to agreements of subordinate personnel.
- (d) The Department will comply with all provisions of agreement(s).

1029.2 PROCEDURE

1029.2.1 COLLECTIVE BARGAINING UNIT

The Department recognizes the Wausau Professional Police Association, also known as the WPPA, as the bargaining unit for Wausau Police Department personnel. The bargaining unit shall include police officers and detectives. Expressly excluded from the bargaining unit of the WPPA are the Lieutenants, Captains, Deputy Police Chief, and the Chief.

1029.2.2 DISSEMINATION OF AGREEMENT

To ensure that all personnel subject to such unit agreements are knowledgeable of them, such agreements are disseminated to all affected personnel by the collective bargaining unit representatives. Human Resources and all Department supervisors will have finalized and executed copies of all labor agreements regarding their personnel.

1029.2.3 SUPERVISORY PERSONNEL

The Chief will inform all supervisory and management personnel of the terms of any collective bargaining agreement affecting personnel. This includes notifying supervisory and management personnel of any changes in the new contract compared to the old contract. This also includes notifying supervisory and management personnel of any amendments to an existing contract or changes to Department policy or procedure. Notification to supervisory and management personnel shall be made in writing by the Chief, or his/her designee. Updates may also be provided during monthly staff meetings. This will ensure that all supervisors know their role under the provisions of agreements regarding subordinate personnel.

1029.2.4 COMPLIANCE

This policy ensures compliance with all collective bargaining agreements. Whenever a new collective bargaining agreement is written, a policy review committee will convene and review the agreement and ensure that Department policy and procedure are in compliance with such agreements.

Grievance Procedures

1030.1 PURPOSE AND SCOPE

This policy adopts grievance procedures specified in all pertinent labor contracts/agreements for relevant Department members.

1030.2 PROCEDURE

1030.2.1 GRIEVANCE PROCEDURE

All personnel will make themselves aware of their general grievance procedure detailed in their labor contract or agreement applicable to them, to include:

- (a) Enumerated issues that are permissible subjects of a grievance.
- (b) Time limitations for filing/presenting the grievance.
- (c) Procedural steps and time limits at each step.
- (d) Criteria for employee representation.
- (e) Routing of the grievance through the City/Department.

1030.2.2 CONTENTS OF GRIEVANCE

Unless satisfied through oral grievance and oral decision in accordance with the contract or agreement, all grievances, following contractual issues, shall be in writing and include:

- (a) The name and position of the grievant.
- (b) A clear and concise statement of the grievance.
- (c) The issue involved.
- (d) The relief sought.
- (e) The date the incident or violation took place.
- (f) The specific section of the agreement alleged to have been violated.
- (g) The signature of the grievant and the date.

A written grievance shall be submitted upon forms provided by the Employer.

1030.2.3 GRIEVANCE COORDINATION AND CONTROL

All grievances have procedures outlined in labor contracts and/or agreements. In addition, personnel shall make themselves aware of the following:

- (a) Appealing any decision made within the process will follow the contract/agreement and state law.
- (b) Coordination of grievance procedures and maintenance and control of related records within the Department are the responsibility of the Chief of Police or his/her designee. At the conclusion of a grievance, related records will be transferred and stored by Human Resources.

Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Wausau Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Wausau Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Patrol Lieutenant and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Patrol Lieutenant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Patrol Lieutenant or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying

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Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

When a member is injured or killed in the line of duty, immediate family or survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the injured or deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying family or survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Patrol Lieutenant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

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- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Wausau Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1031.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.

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- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

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- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Wausau Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

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- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

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Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1031.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.
 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.

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- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Wausau Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.

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4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
1. Death benefits (Wis. Stat. § 102.475)
 2. Education assistance (Wis. Stat. § 20.292(1)(am))
 3. Pension benefits (Wis. Stat. § 40.73)
 4. Burial expenses (Wis. Stat. § 102.50)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

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1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the [PIO].
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

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1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Employee Orientation - Civilian Personnel

1032.1 PURPOSE AND POLICY

This directive establishes guidelines for and the department's policy in regard to new civilian employee orientation, to ensure new non-sworn, civilian members are provided the proper basis and familiarity with the Department and an understanding of their role.

1032.2 ORIENTATION

Supervisors in charge of department civilian members shall ensure new members are oriented in respect to the following:

- (a) the department's role in the community, Core Values and Mission; and the department's policies and procedures, as applicable to their position within the Department;
- (b) City of Wausau policies as may be applicable to their position;
- (c) the working conditions, regulations, and job expectations and responsibilities, as may be applicable to their position;
- (d) employee rights.

Supervisors in charge of department civilian members will be responsible for their training as may be deemed appropriate, to ensure the member is equipped with the knowledge and skills to become and remain capable in the expectations of the position.

Marathon Area Support Team (M.A.S.T)

1033.1 PURPOSE AND SCOPE

The Wausau Police Department recognizes the value of providing a peer to peer resource for employees and their family members to support them in managing both personal and professional crises. The purpose of this directive is to establish procedures for the Marathon Area Support Team (MAST).

1033.2 MISSION

The mission of the Marathon Area Support Team (MAST) is to be a confidential resource to emergency service employees and their family members who are experiencing overwhelming personal and occupational stressors.

1033.3 OBJECTIVES

The Marathon Area Support Team (MAST) is a program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit, or self. This communication is confidential, providing it does not violate any law or Department regulation. This program is designed to:

- (a) Provide emotional support during and after times of personal or professional crisis to employees and family members who need assistance;
- (b) Promote trust, allow anonymity, and preserve confidentiality for persons using MAST within the guidelines of the program;
- (c) Develop members who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required;
- (d) Maintain an effective peer support training and response program; and
- (e) Check on the status of illnesses and those injured on duty to provide support where desired and needed.

1033.4 ORGANIZATION

The Marathon Area Support Team (MAST) is a personnel-oriented volunteer support activity administered by Team Coordinators.

One of the most important responsibilities of a MAST member is the promotion of trust, anonymity and confidentiality for employees or family members who seek assistance. Communication between a team member and an employee is considered privileged by the Department, except for those matters which involve violations of law or Department misconduct. All MAST members must comply with directives concerning the duty to report violations of laws, rules or directives while maintaining confidentiality in all other areas.

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Marathon Area Support Team (M.A.S.T)

MAST training is conducted under the direction of the Team Coordinators and in association with Employee Assistance Program (EAP) mental health professionals. Each MAST member is required to attend training meetings.

1033.5 ELIGIBILITY

Marathon Area Support Team (MAST) members may be selected from all ranks of sworn or non-sworn personnel of the participating agencies. The following shall be considered for member selection:

- (a) Members must be in good standing with the Department and receive good recommendations from their supervisors and their peers;
- (b) Considerations for selection of members include, but are not limited to, previous education and training; resolved traumatic experiences; and desirable interpersonal qualities, such as maturity, judgment, and personal and professional credibility;
- (c) The selection of individual members is made with the approval of the Chief of Police. MAST members from other agencies shall have the approval of their agency head; and
- (d) Prior to participation as a MAST member, persons must review and agree to the Peer Support Agreement.

1033.6 PROCEDURE

An employee or family member can call any time about any personal or job-related problem and speak with a trained member of the Marathon Area Support Team (MAST). Calls can be self-referred, anonymously referred or supervisor referred. Assistance provided by MAST members is strictly voluntary. MAST members should avoid conflicting peer support relationships.

MAST members shall conduct meetings and conversations in a manner that protects the privacy of the employee or his/her family member. No records will be maintained. The peer support member will provide an empathetic ear and screen for major safety issues, such as suicidal or homicidal ideation, alcohol abuse and risk of violence. The peer support member will help the officer accept that a personal or stress-related problem is not a sign of weakness or personal failure. Asking for help is discussed as a sign of strength. Often this peer meeting provides the support that employees need to be able to use their own personal resources to cope more effectively. Peer support provides a way for employees to “talk out” problems with specially trained co-workers who understand and want to help. MAST team members are trained to use active listening skills, help clarify issues and explore options while supporting the person through their problem solving skills.

MAST team members are available to assist with things including, but not limited to:

- Grief
- Depression
- Critical Incidents
- Any Emotional Distress
- Job Stress

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Marathon Area Support Team (M.A.S.T)

- Family Issues
- Separation or Divorce
- Feelings of Suicide
- Financial Issues
- Health Concerns
- Substance Abuse
- Workplace Struggles and Burnout

Employees or family members in need of MAST services may contact the listed MAST Team Coordinator or a chaplain/clergy directly. The Team Coordinator(s) will have a list of telephone numbers for those on the MAST team and will provide the number at the request of the employee or family member. Should an employee or family member have the telephone number for a MAST team member, calls can be placed directly to that employee.

1033.7 CRITICAL INCIDENTS

A MAST team member may be dispatched to the scene of a police-related traumatic incident involving, but not limited to:

- (a) When an employee's actions result in the death or critical injury to any person;
- (b) When an employee is otherwise directly involved in a traumatic incident; or
- (c) When an employee is involved in a non-traumatic incident which could affect their job performance.

Call-out of team members will be initiated by the on-duty patrol lieutenant or another member of the command staff. The patrol lieutenant will contact a MAST Team Coordinator, who will notify appropriate team members to respond to the incident.

Attachments

Mutual Assistance Agreement 2014.pdf

Interagency Assistance Agreement

Cities of Abbotsford, Colby, Marshfield, Mosinee, Schofield and Wausau, Wisconsin -
Villages of Athens, Edgar, Kronenwetter, Marathon, Rothschild, Spencer, Stratford and
Weston, Wisconsin – Town of Weston, Marathon County, Wisconsin.

The purpose of this Agreement is to provide for law enforcement assistance in the participating municipalities when deemed necessary under the circumstances described herein. It is understood that departments respond under this Agreement in order to secure for themselves and the citizens or their respective jurisdictions the advantages of interagency assistance under the terms of this Agreement. Reliance on interagency assistance under this Agreement is not intended to be a substitute for adequate staffing in the participating municipalities.

The Agreement is entered into by and between the Cities of Abbotsford, Colby, Marshfield, Mosinee, Schofield and Wausau, Wisconsin, the Villages of Athens, Edgar, Kronenwetter, Marathon, Rothschild, Spencer, Stratford and Weston, Wisconsin and the Town of Weston, Wisconsin and shall be mutually binding upon each of the parties, and said agreement is entered into pursuant to the authority granted under sec. 66.0313, Wisconsin Statutes, providing for intergovernmental cooperation. This Agreement becomes effective on the date that an executed copy is filed in the Clerk's office of each respective party.

Operation:

Each municipality hereby authorizes its Chief of Police, or designee, to request and afford interagency assistance when deemed necessary and in conformance with the terms and conditions contained in this Agreement. The designee's of the Chiefs of Police shall include any supervisory police officer or most senior police officer if no supervisory police officer is on duty at the time of the request.

Interagency assistance may include, but is not limited to, major crimes or incidents where normally assigned resources are inadequate or during periods when unforeseen demands for service cannot be met by the requesting agency. This does not necessarily include routine calls for service where an officer from the requesting agency is not immediately available.

For purposes of this Agreement, the responding police officers shall have all the authority of police officers of the requesting agency.

Requests for assistance shall be afforded a high priority, but nothing in this Agreement shall be construed to require assistance in a manner which will materially impair the delivery of law enforcement services to their respective city, village, or town.

The Chief of Police, or designee, who made the request for assistance shall assume command of all operations within his/her jurisdiction. The responding party, however, shall maintain immediate supervision over and responsibility for personnel, equipment and supplies used in rendering assistance.

Liability:

While it is deemed equally beneficial, sound and desirable for the parties of this agreement to render assistance in accordance with the terms of this Agreement, it is not the intent of the parties to transfer risk to, or assume liability on behalf of another party to this Agreement.

Each party shall be legally responsible for the actions of their own employees, agents, or assigns with respect to their activities and performance under this agreement. Response under this Agreement is not intended to create an employer/employee relationship between the requesting and responding departments or their agencies. However, responding personnel shall be deemed employees of the requesting agency for the following purposes:

- 1) Where an action is brought against the employee for a liability growing out of the employee's official duties and the employer is required to pay for or provide a defense as set forth in Wisconsin Statutes, Section 895.35.
- 2) Where a judgment for damages and costs is entered against the employee and the employer is required to pay any portion of the judgment not covered by applicable insurance as set forth in Wisconsin Statutes, Section 895.46.

The Cities, Villages, and Town agree to be individually responsible for services provided under the scope of this Agreement to include standard and overtime wages, pensions, workers' compensation benefits, and liability insurance. If a planned non-emergency event arises, a request for assistance will be made to the supporting agency(s). The request should be in writing and approved by the Chief(s) of Police in the respective municipalities. The request and response should include terms of compensation for these non-emergency events.

Where any damage, injury, death, or any type of loss is sustained by an assisting agency or third party, the requesting agency shall assume all such indebtedness, to include but not be limited to property damage, worker's compensation, and disability payments. All parties shall procure their own respective commercial insurance policies satisfactory to insure for liability of the actions of their own employee that arise as a result of a interagency assistance response.

Terms of Agreement:

This Agreement shall remain in full force and effect for thirty (30) days after the filing of a cancellation notice approved by governing body of the withdrawing municipality. The cancellation notice shall be filed with the Clerks of each municipality, and may be filed for any reason.

BE IT RESOLVED:

- 1) That this Mutual Assistance Agreement is hereby approved subject to the terms, conditions and limitations set forth in said Agreement.
- 2) The Chiefs of Police of each municipality are hereby authorized to abide to the terms, conditions and limitations set forth in this Agreement.
- 3) This agreement does not prohibit or infringe upon requirements of the Joint Powers Agreement pursuant to Wisconsin Statutes 256.35.

Dated this 15TH day of FEBRUARY, 2014.

Signature Page

Dale Roehn
Mayor of Abbotsford

Joseph Frey
City Clerk of Abbotsford

James W. Schmidt
Mayor of Colby

Connie R. H. H.
City Clerk of Colby

CHL
Mayor of Marshfield

Deb In Hall
City Clerk of Marshfield

Alan E. Lutz
Mayor of Mosinee

Bob Jung
City Clerk of Mosinee

Ken Label
Mayor of Schofield

Tina Coover
City Clerk of Schofield

James E. Toppo
Mayor of Wausau

Mi. Kuppel
City Clerk of Wausau

Charles Kornack
Village President of Athens

Lisa Beck
Village Clerk of Athens

Allen Kuchel
Village President/Administrator of Edgar

SLA
Village Clerk of Edgar

Genevieve Kowalski
Village President of Kronenwetter

Chris Faller
Village Clerk of Kronenwetter

John H. Small
Village President of Marathon

Mike H.
Village Clerk of Marathon

George J. Peterson
Village President of Rothschild

Hetti England
Village Clerk of Rothschild

James S. Kuty
Village President of Spencer

W. A. W.
Village Clerk of Spencer

Harvey Bud' Hudson
Village President of Stratford

Jane Kruieger
Village Clerk of Stratford

Joan White
Village President of Weston

Sherry K. Debnau
Village Clerk of Weston

M. J. D. D.
Town of Weston Chairperson

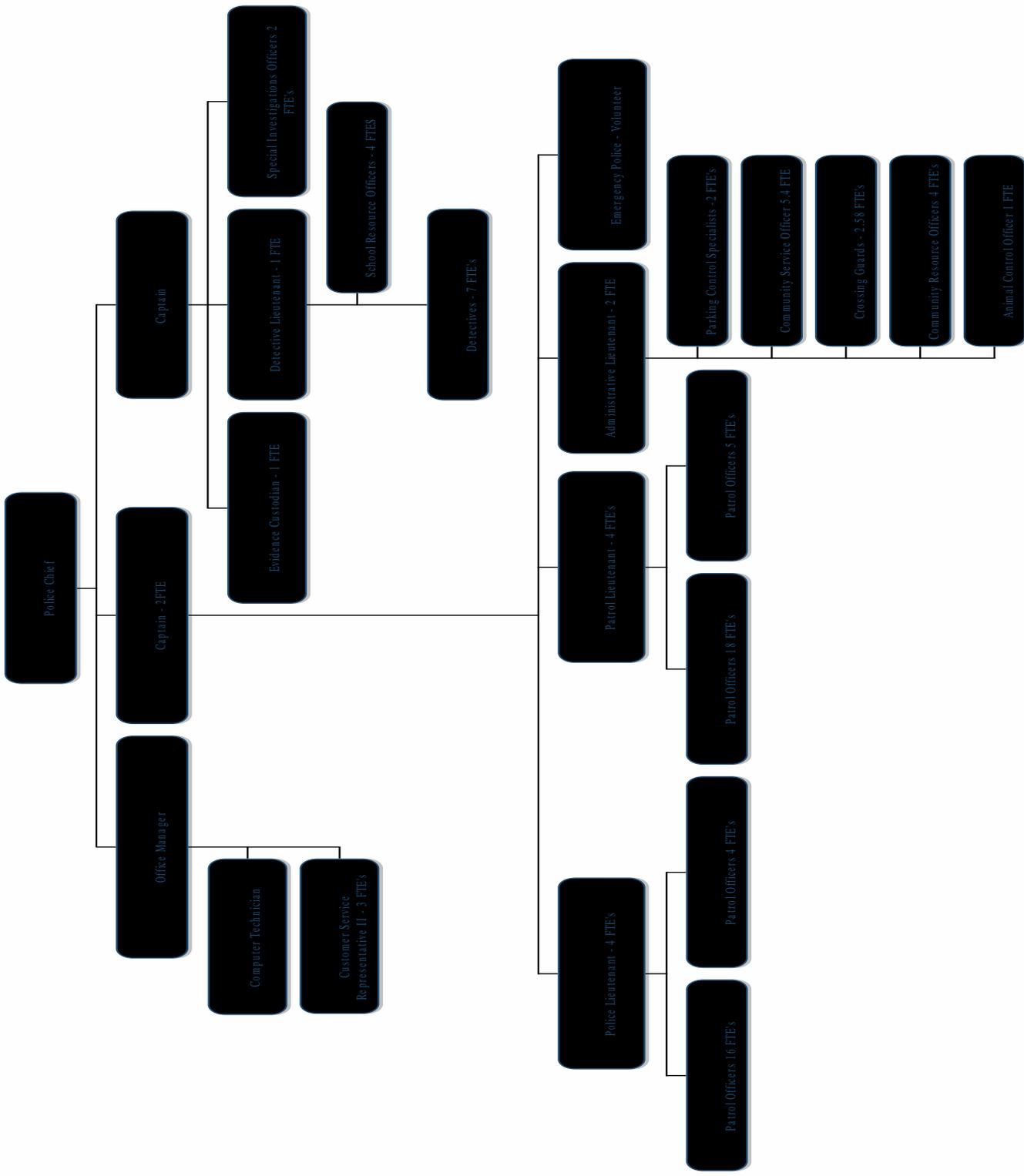
Jan Erdman
Town of Weston Clerk

Phil A. Gibb
County Board Chairperson

Sam R. Jones
Sheriff of Marathon County

Organizational Chart.pdf

Police Department



NCERT Operating Procedures.pdf



Wisconsin

North Central Emergency Response Team



Antigo PD



Merrill PD



Rhinelander PD



Tomahawk PD



Woodruff PD



Meford PD



Minocqua PD

Definitions and Operating Procedures

Purpose

The North Central Emergency Response Team (NCERT) is a law enforcement mutual aid system operating in North Central Wisconsin.

The purpose of NCERT is:

1. To provide immediate extra law enforcement officers and equipment at the scene of law enforcement emergencies.
2. To provide for automatic and systematic response of law enforcement officers.
3. To provide for contractual responsibilities and liabilities.
4. To provide broad area coverage.
5. To foster a cooperative spirit for law enforcement emergency planning.
6. As a general rule, mutual aid personnel will supplement the requesting agency's forces, and as such, should not be assigned to hazardous duties when/if adequate personnel from the requesting agency exists.

NCERT does not relieve a community of its responsibility to provide adequate personnel and equipment for day-to-day law enforcement operations. Each community has its first line of defense and its reserves. A community may only resort to NCERT when a law enforcement emergency has caused its law enforcement agency to exceed its own routine capabilities.

Definitions

Aiding Agency – An agency furnishing law enforcement officers and equipment to a requesting agency.

Incident – A situation that potentially threatens or causes loss of life and/or property or exceeds the physical and organizational capabilities of a law enforcement agency. Generally, the word "Incident" within this document refers to situations (emergencies) connected to a law enforcement response to severe storms, floods, hazardous material incidents, transportation accidents, large fires, public disorders, major crimes, barricaded subjects, hostage situations, searches, traffic control, terrorist activities, active shooters, and other similar occurrences.

Mutual Aid – A prearranged written agreement and plan whereby regular response and assistance is provided in the event of incidents from a requesting agency by the aiding agency in



accordance with the law enforcement incident assignments as developed by the Police Chiefs/Sheriffs of the participating law enforcement agencies.

NCERT Dispatcher – Pre-determined law enforcement communications center responsible for the coordination and assignment of law enforcement mutual aid personnel under this plan. The primary dispatch center will handle most requests for mutual aid. The alternate dispatch center will handle the activities should the primary dispatcher become involved in an incident or be unavailable.

Police Incident Area – A geographic area in which a police incident location exists.

Police Incident Card – A printed form containing details of personnel to respond to a specific law enforcement plan level request. It includes a series of law enforcement response levels (plans) designed to meet the needs of varying degrees of incidents (emergencies).

Law Enforcement Officer – Any person as defined in Section 1695.85(2)(c), Wis. Stats., and who is on full and unrestricted duty status.

Squad Car – A law enforcement vehicle that is equipped with mounted or portable warning lights and has communicating equipment.

Staging Area – A predetermined location outside the immediate incident area where law enforcement personnel and equipment will assemble.

Staging Area Coordinator – An officer assigned to coordinate activities at the staging area.

Police Incident Card

The Police Incident Card consists of a series of personnel response levels designed to meet the needs of varying degrees of emergencies. At the same time, the plan ensures that aiding agencies maintain adequate personnel levels in their own communities.

A NCERT Level 1 Incident requires five (5) law enforcement officers to respond to a staging area. If an incident continues to escalate and more personnel are needed, the aiding agency can initiate additional levels. Each level brings five (5) additional officers and squad cars to the staging area.

The Police Incident Card (PIC) contains the following information:

1. Agency Name and Phone Number – The name and phone number of the agency for which the PIC was developed.
2. Police Incident Assignments – A chart which lists eight (8) police incident plan levels.



3. Police Incident Staging Areas – A listing of up to four (4) locations (staging areas) within the jurisdiction. Each area is identified by a unique designator. A staging area name, address, and location description is provided for each staging area.

Requesting NCERT Response

1. The shift supervisor is authorized to request NCERT response of any level which, in their opinion, is required to bring a situation under control.
2. After determining the scope of the incident and plan level needed to bring the situation under control, the requesting community, through its law enforcement dispatcher, will immediately contact the NCERT dispatcher and provide the following information:
 - a. The name of the requesting agency and supervisor.
 - b. The police incident staging area number requested.
 - c. The police incident plan level requested.
 - d. The nature of the incident.
 - e. Any other special details or instructions for responding personnel.
3. Extraordinary Events

Pre-approval by the president of NCERT or his/her designee is required for activation of NCERT for any preplanned extraordinary events (i.e. dignitary protection). The president will take into account the requesting agencies resources and that County's Sheriff Office and available resources being depleted by the same event which makes the Sheriff not able to fill the need of the requesting agency.

NCERT Dispatcher Responsibilities

1. If the primary NCERT dispatcher's community is involved in the incident or unavailable, the alternate NCERT dispatcher will assume responsibility for coordinating the notifications.
2. The NCERT dispatcher will check the corresponding PIC and notify those departments due to respond to the requesting agency's incident by means of a preformatted E-Sponder message.
3. The NCERT dispatcher will notify the requesting agency's county sheriff's department, and each county sheriff's department that contains any jurisdiction responding to the incident. This notification may be done by text message and/or teletype.

Cancellation of NCERT Call-Out

Prior to the arrival of any or all of the NCERT officers requested, the requesting agency Incident Commander or their designee will notify the NCERT dispatch center by phone the need to cancel the response.



Once notification has taken place, the center will immediately send a group administrative message to the responding agencies. The content of the preformatted message is:

“If your department was requested to respond to a NCERT call-out today at the _____ P.D. at approximately _____ you can cancel your responding squad.

If you have any questions regarding this cancellation contact _____ P.D. Direct any and all questions/comment to the requesting agency and only the requesting agency.”

Aiding Agency Dispatcher Responsibility

1. **NCERT Incident Assignment TTY Request (NOT A TEST)**
2. Aiding agencies that receive the Incident Assignment Request message will be required to acknowledge or respond by TTY that they have received the notification and actually can or cannot deploy one of their squads to the staging area to satisfy the actual callout requirement. It is consistent with the goals and the spirit of the NCERT organization agreement that the TTY response will occur within **5 minutes of receipt**.

If no response is received, the NCERT dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.

Procedures for Responding to a Request by Officers

1. Unless otherwise directed, each law enforcement officer assigned to respond to a police incident will respond in uniform in a squad car. No law enforcement officer will respond to a mutual aid request unless directed by his/her agency.
2. **ALL RESPONSES BY AIDING AGENCIES SHALL BE NON-EMERGENCY ONLY! NO EXCEPTIONS.**
3. Responding law enforcement officers shall be properly equipped for extended duty and changing weather conditions.

Radio Communications

Interoperability is a critical issue at any major event and interoperability is available for all agencies who have access to the 800 MHZ radio systems. Agencies are urged to use the countywide frequency in the incident county. This should be done after arrival at the staging area and upon the command of the Staging Officer.

Operations at the Staging Area

1. The requesting agency will assign an officer to act as the Staging Area Coordinator. The Staging Area Coordinator will report to the staging area and deploy the NCERT personnel as requested by the Incident Commander.

2. The staging area coordinator will create and maintain an assignment record for officer safety and accountability purposes.
3. The responding personnel shall remain at the staging area until deployed or released by the staging coordinator.
4. The staging area coordinator is in command of the staging area, and all responding officers are under the command of the staging area coordinator. Once deployed to a specific task, that officer shall then be under the command of the Incident Commander or designee.

Operations at the Emergency Site

1. The initial responsibility of the requesting agency at the incident site is to evaluate the extent of the emergency situation and take immediate steps to insure that adequate law enforcement personnel and equipment are made available.
2. The Incident Commander of the requesting agency shall assume full responsibility and command for operations at the scene. The Incident Commander will assign personnel and equipment of the aiding agency to positions when and where he/she deems necessary. Some suggested uses of mutual aid personnel are:
 - a. Provide care and aid to injured
 - b. Search and rescue operations
 - c. Evacuation
 - d. Traffic and crowd control
 - e. Perimeter security
 - f. Maintain regular law enforcement service
3. As a reminder, mutual aid personnel will supplement the requesting agency's forces, and as such, should not be assigned to hazardous duties when adequate personnel from the agency exist.
4. Due to differences in codes, plain text will be used in contrast to codes and ten-signals.
5. When possible, the Incident Commander or his/her designee should call the responding agency and advise how long they will be keeping their personnel.

Terminating NCERT Response

1. The Incident Commander of the requesting agency shall insure that mutual aid personnel are released and returned to duty in their own communities as soon as the situation is restored to the point which permits the requesting municipality to satisfactorily handle it with its own resources.
2. Whenever the Incident Commander determines NCERT officers are no longer needed, the Incident Commander shall terminate the NCERT response. Notice of said termination shall be made to the NCERT dispatcher.
3. The order in which personnel are returned to duty in their own communities is at the discretion of the Incident Commander.

Testing Procedures

It is very important to test the system and ensure that the many different agencies and their employees have taken a keen understanding on how to request and respond to a request. Therefore, it is important to practice the process and at times the actual response.

The organization has established a monthly test of the request portion of the process. This will be conducted once a month. A bi-annual test of the actual physical response for each county has also been established. Those testing procedures are outlined below.

1. Monthly TTY Test

The primary and secondary dispatch centers for the organization will be responsible for conducting the monthly TTY test. The centers will advise the President of problems or issues encountered with each test.

Aiding agencies that receive the monthly TTY test message will be required to acknowledge or respond by TTY that they have received the notification and would or would not have been able to send a squad if this would have been a real activation. No other action is needed by the aiding agency. It is consistent with the goals and the spirit of the NCERT organization agreement that the TTY response will occur within **5 minutes of receipt**.

If no response is received, the NCERT dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.

2. Physical Response NCERT Test

Each agency will take a turn as the host agency for this test. Selection of the host agency for the upcoming period will take place at the bi-yearly NCERT meeting. A summary of the test will be completed by the testing agency and results presented at the next meeting of the members. It is important to actually deploy the responding agencies and test the radio communications with each of the units before their release.

Sample TTY test messages can be found attached at the end of this document.

Aiding agencies that receive the Physical Response NCERT test message will be required to acknowledge or respond by TTY that they have received the notification and actually one of their squads to the staging area to satisfy the test requirement. It is consistent with the goals and the spirit of the NCERT organization agreement that the TTY response will occur within **5 minutes of receipt**.

If no response is received, the NCERT dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.



MONTHLY TTY TEST TEMPLATE

--COMMUNICATIONS CENTER-- TTY Response required within 5 minutes

Reference: Monthly NCERT Test (TTY only)

Requesting Agency: _____

Supervisor Requesting Response: _____

Staging Area: _____ (check NCERT Manual for detailed location)

Response Level: _____

Incident Description: TTY TEST ONLY _____

Special Instructions:

*Traffic problems: _____

*Equipment needed: _____

****Dispatch, please respond immediately by TTY to acknowledge receipt and whether of not your agency would have been able to send a marked squad as required.**

Any pertinent questions regarding this TTY, please call _____

Dispatcher: _____



LEVEL III TEST TEMPLATE

--COMMUNICATIONS CENTER--TTY Response required within 5 minutes

Reference: Level III NCERT Test (Squad to be sent to staging area)

Requesting Agency: _____

Supervisor Requesting Response: _____

Staging Area: _____ (check NCERT Manual for detailed location)

Response Level: _____

Incident Description: LEVEL III TEST, Squad to be sent to staging area.

Special Instructions:

*Traffic problems: _____

*Equipment needed: _____

****Dispatch, please respond immediately by TTY to acknowledge receipt of this message as well as if your agency will or will not be able to send a marked squad as required.**

Any pertinent questions regarding this TTY, please call _____

Dispatcher: _____

INCIDENT ASSIGNMENT REQUEST TEMPLATE

--COMMUNICATIONS CENTER-- TTY Response required within 5 minutes

Reference: NCERT Incident Assignment Request (NOT A TEST)

Requesting Agency: _____

Supervisor Requesting Response: _____

Staging Area: _____ (check NCERT Manual for detailed location)

Response Level: _____

Incident Description: _____

Special Instructions:

*Traffic problems: _____

*Equipment needed: _____

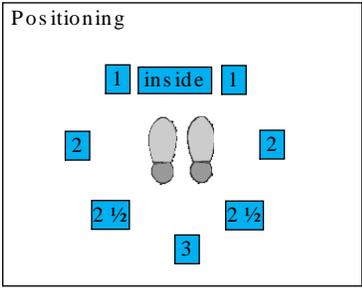
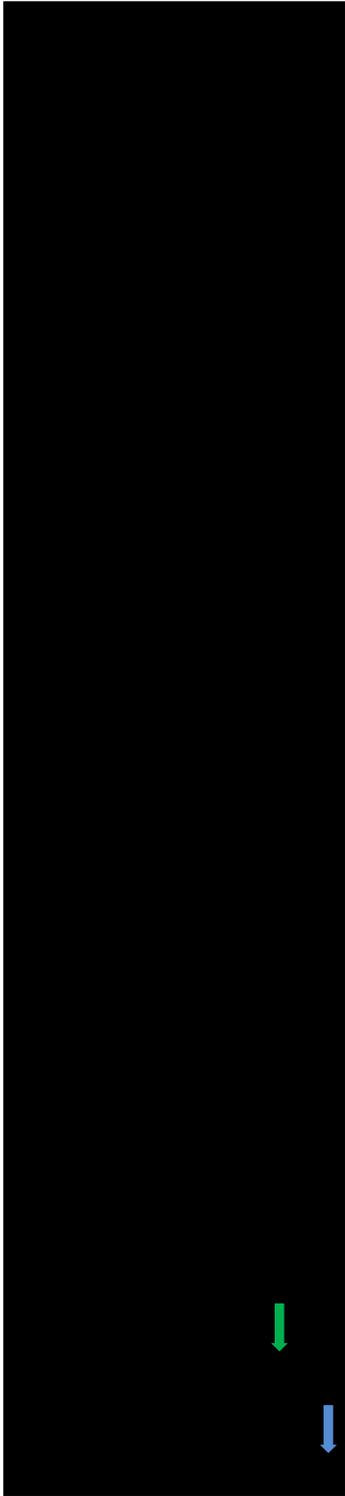
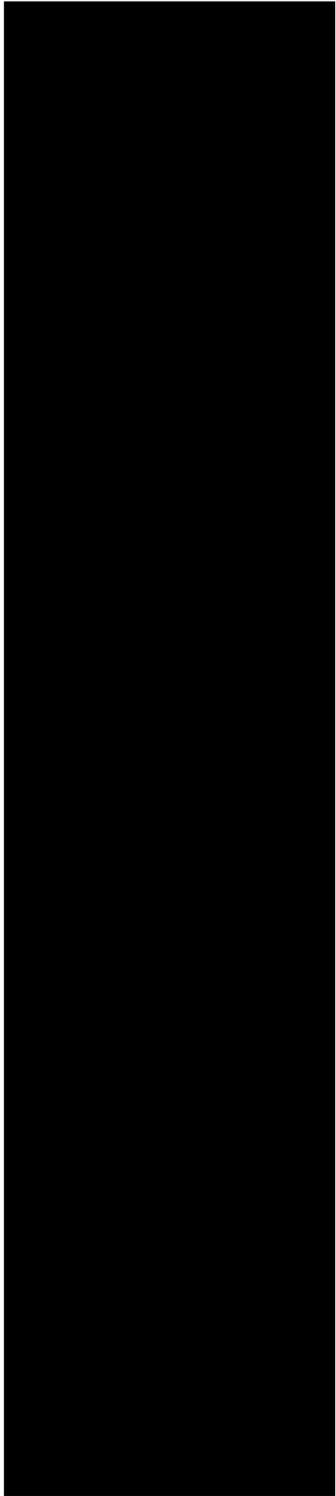
****Dispatch, please respond immediately by TTY to acknowledge receipt of this message as well as if your agency will or will not be able to respond with a marked squad and ETA.**

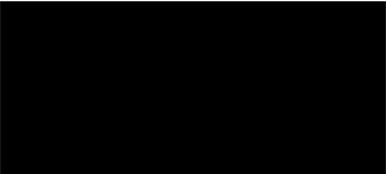
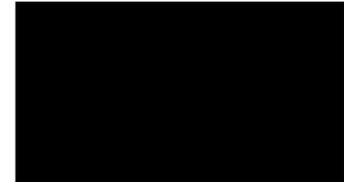
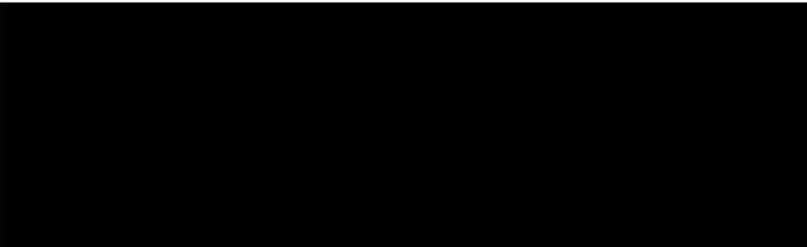
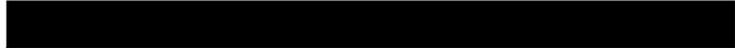
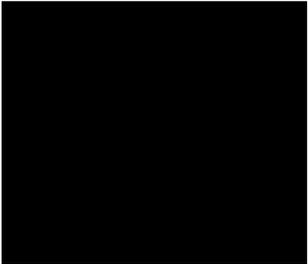
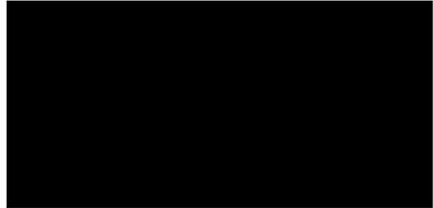
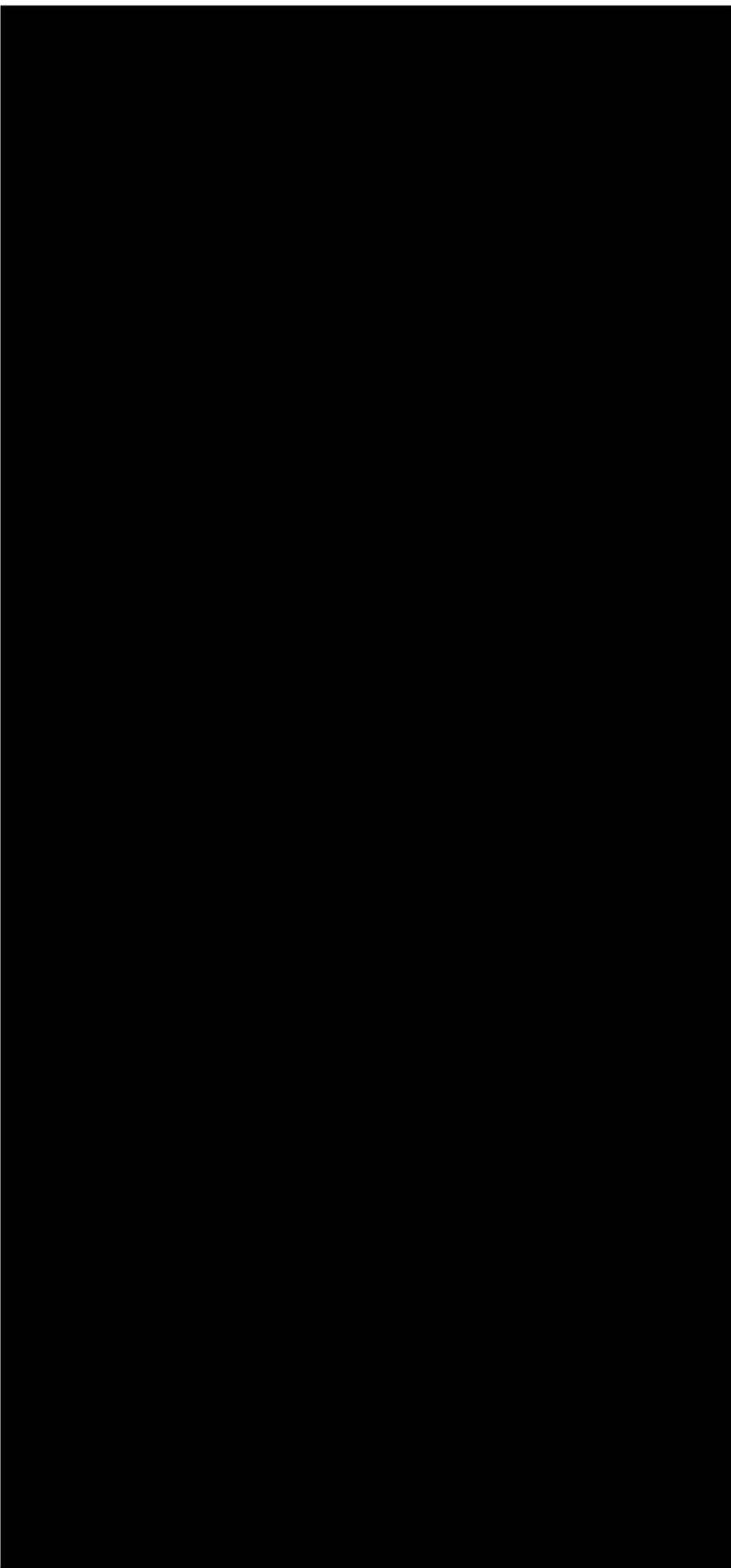
Any pertinent questions regarding this TTY, please call _____

History:
Adopted: 00/14
Revised: 04/15

Marathon County Emergency Response Plan.pdf

Use of Force Guide.pdf





Authorized weapons 2016.pdf

MNSO SWAT Team Policy.pdf

MARATHON COUNTY SHERIFF'S DEPARTMENT		GENERAL ORDER: 18005.00	
SUBJECT: Special Weapons and Tactics Team		NUMBER OF PAGES: 10 DISTRIBUTION: C	
EFFECTIVE DATE: 03/01/03		REVIEW DATE: July 2011	
AMENDS: Special Response Team CANCELS:		APPROVED: _____ Sheriff	

INDEX AS: [SPECIAL WEAPONS AND TACTICS TEAM] 18005.00

TACTICAL RESPONSE TEAM 18005.00

TRAINING EXERCISES 18005.05

POLICY:

It shall be the policy of the Marathon County Sheriff's Department to maintain a procedure governing the administration of the Special Weapons and Tactics Team.

.01 General

- A. The Sheriff's Department shall maintain a [Special Weapons and Tactics (SWAT) Team] to support and assist field personnel in the resolution of high risk or dangerous incidents. The primary purpose of the [SWAT Team] shall include, but is not limited to:
 - 1. Protecting lives and property,
 - 2. Enhancing the prospects of resolving a dangerous incident peacefully,
 - 3. Neutralization of dangerous events by obtaining a tactical advantage.
 - 4. Establishing tactics or strategies which promote the containment and stabilization of incidents involving the threat of death or great bodily harm.
- B. Any action taken by members of the [SWAT Team] shall remain consistent with established Department Policy and Procedure.
- C. The [SWAT Team] may be made available to assist other jurisdictions. Refer to Department GO: 18000.00 (Tactical Events).

[Revised 07/01/10]

.02 SWAT Team Commander and Team Leadership

- A. The Commander of the [SWAT Team] shall be a [senior] member of the team and shall be appointed by the Sheriff for an unspecified term. Said assignment shall be in addition to other duties.
- B. The [SWAT Team] Commander shall be responsible for the management and administration of the Team. Specific responsibilities include, but are not limited to:
 - 1. Serving as the on-scene commander for tactical operations,
 - 2. Maintaining and ensuring preparedness and operational readiness of the [SWAT Team] to respond to an event when so directed,
 - 3. Developing operational procedures for the [SWAT Team] or the submission to the Patrol Division Commander and the Sheriff,
 - 4. Coordinating [SWAT Team] training,
 - 5. Procurement of appropriate equipment,
 - 6. Preparation of the [SWAT Team] budget,
 - 7. Recommend individuals for assignment to the [SWAT Team],
 - 8. Providing reports and status updates regarding [SWAT Team] activity for the Patrol Division Commander and the Sheriff.
- C. [In addition to the SWAT Team Commander, the next senior members of the team shall be assigned the leadership roles of Assistant Commander and Team Leader (two positions), respectively.]
- D. [In the event of an absence of any of the leadership members, there will be a natural progression to fill the vacancy, based on the present hierarchy and team seniority.]
- E. [In the event of a resignation from any of the leadership positions, the vacancy will be filled based on a combination of team seniority, individual interest, SWAT team input, and the approval of the Sheriff.]
- F. [Any advancement in grade/rank does not supersede the team seniority requirement].

[Revised 07/01/10]

.03 [SWAT Team Members]

A. Application for assignment to the [SWAT Team] is voluntary and shall be in addition to other duties. [An eligibility list will be maintained at all times. Selections shall be made from the established eligibility list and any such appointments are pursuant to approval from the Division Commander.]

1. [An eligibility list shall be established] utilizing the following criteria:

- a. Review of personal resume,
 - Preview work history and experience,
 - Individual motivation and ability to work on a team,
 - [Team input.]
- b. Successful completion of an interview board (consists of at least three team members).
- c. Successful completion of the [SWAT Team] physical agility test and shooting range course.

[Refer to .07 section E for the sniper selection process].

2. Officers assigned to the [SWAT Team] shall be expected to:

- a. Report to events as required,
- b. Participate in all required training,
- c. Maintain and provide current contact information for deployment,
- d. Maintain and report to events with all appropriate equipment,
- e. Carry issued pagers and when paged, contact the Shift Supervisor, [or Communications and indicate] whether they will or will not be available to respond to an incident.

3. Continued assignment to the [SWAT Team] conditional upon:

- a. Successful completion of one year probationary period as a SWAT team member.

[Revised 07/01/10]

- b. The Officer's ability to participate in training,
 - c. Response to events,
 - d. Maintaining the proficiency standards established by the [SWAT Team Commander,]
 - e. [Continued employment as a law enforcement officer,]
 - f. [The Team Commander or Division Commander may recommend dismissal to the Sheriff for failing to maintain standards or any gross neglect of response and/or training duties].
4. [SWAT Team] member requirements

Team members will maintain the highest standards in the following areas:

- Fire arms,
- Physical fitness,
- On and off-duty professionalism.

.04 Training of [SWAT Team] Members

- A. The [SWAT Team] and the Commander of the Patrol Division, shall ensure that [SWAT Team] members are provided training that supports the team's mission and allows for the personal development of each team member.
 1. As schedules, budget, etc. allows, training will be conducted on a monthly basis and [every effort will be made to] be consistent with National Tactical Officers Association [(NTOA)] guidelines and those guidelines established by the Sheriff's Department.
 2. On-duty members will be permitted to attend training if their shift is at or above minimum staffing. If shift is at minimum staffing, Officer may attend training, but Officer will leave training to respond to calls.
 3. [The Team Commander] will forward training agendas and training documentation to the Department Training Records Custodian.

[Revised 07/01/10]

4. [The Team Commander] shall consider specialty training for personnel which addresses the needs of the unit.
5. The Team [Commander] shall coordinate regular special weapons training and any firearms training which addresses the needs of the unit.

.05 [SWAT Team] Training Exercises

The ability to effectively deal with tactical situations is directly dependent upon the availability of properly trained and equipped personnel. Training for such situations requires realistic mock exercises. Such exercises should be controlled in a manner which will ensure safety of participants and minimize the possibility of, or creating concern or apprehension among, non-participants, including the general public.

- A. When ever feasible [SWAT Team] training exercises will be conducted outside the view of the general public.
- B. In those instances where a training exercise is conducted where there is a possibility of non-involved persons being affected, proper notice will be provided those persons to insure their awareness that a training exercise is being conducted. Documentation of such notice will be accomplished through use of the Notification Of Training Exercise form (Annex A). It shall be the responsibility of the [SWAT Team] Commander to ensure that proper notification has been made prior to commencing a training exercise.
- C. When a training exercise involves participants other than Sheriff's Department personnel, i.e., hostage takers, barricaded persons, etc., a member of the Sheriff's Department will serve as a monitor to oversee these person's activities.
- D. When a training exercise is conducted in an area other than those generally utilized by the department, proper notification will be given the person(s) who control that area and their consent to the exercise received prior to conducting the exercise. The Notification of Training Exercise form will be utilized for this purpose.
- E. Proper notice via the Notice of Training Exercise form will also be given to the law enforcement agency(ies) having primary jurisdiction in the area where an exercise is to be conducted.

.06 [SWAT Team] Weapons and Equipment

[Revised 07/01/10]

- A. The [SWAT Team] shall be equipped with functional uniforms, special weapons, and other equipment and items necessary for efficient operations.
- B. Special weapons may include, but are not limited to:
 - Full automatic weapons,
 - Firearms 'silencer' devices,
 - Chemical dispersion devices,
 - Explosive entry/distraction devices,
 - Explosive breaching devices,
 - Less-lethal impact projectile devices.

.07 [SWAT Team Sniper Contingent

- A. It is the mission of the Sniper contingent to assist in bringing about the safe and peaceful resolution of critical incidents through stealth, tactics and skills, by providing real-time information and protective overwatch (i.e. cover) for all on-scene personnel, both law enforcement and civilian.
- B. When utilized in tactical team applications, the role of the Sniper/Observer will be limited to two functions:
 - 1. The Sniper/Observer will use specialized training, positioning and sight enhancing equipment to observe and report real-time intelligence to team members and on-scene command personnel. Since the Sniper/Observer plays such an integral role in intelligence gathering and team protection, they will be deployed as a part of all tactical operations.
 - 2. The Sniper/Observer will provide protective overwatch to the team, other officers, civilians and /or hostages by bringing precision fire against designated human targets, with the intent to immediately terminate the dangerous actions of that designated target. In this action, state statutes relating to the use of deadly force by law enforcement officers, as well as any and all applicable departmental policies will regulate the sniper's actions.
- C. The use of deadly force falls under the following:
 - 1. Any use of force by the Sniper/Observer shall remain consistent with established Department Policy and Procedure. Refer to Department G.O. 15030.00 (Use of Force).]

[Revised 07/01/10]

2. [In addition to the Use of Force Policy, the Sniper/Observer may use deadly force under the Collective Knowledge Doctrine. Due to the volume of data, the speed at which it develops, and the difficulty in timely delivery of that data, the command officer may be forced to order the sniper to use deadly force when the Sniper/Observer does not have personal knowledge of the imminence and preclusion involved in the situation. The Collective Knowledge Doctrine holds that, given time, ability, and knowing the totality of the circumstances, the sniper would draw the same conclusions on the use of deadly force.

D. The training requirements for the Sniper/Observer are as follows:

1. After selection to the position as Sniper/Observer, the candidate will attend and graduate from at least one formal law enforcement sniper school and pass the department's sniper qualification course before becoming operational,
2. To meet the needs of the position, the Sniper/Observer must receive ongoing instruction and practice in the following skills and disciplines:
 - a. Fieldcraft skills - This includes, but is not limited to, stalking, movement, camouflage, range estimation, and hide selection, construction & management.
 - b. Tactics - This includes, but is not limited to, target selection, communications, site diagramming and operation planning.
 - c. Marksmanship - Along with a regular, standardized qualification course, this will include practice in cold shot accuracy, multiple targets, moving targets, partially obscured targets, intermediate barriers, up and down hill shooting, various distances and shooting positions, low-light and no-light shooting, and decision making.
3. Training will be conducted on a regular basis, preferably not less than eight (8) hours per month,
4. Every two years at a minimum, Snipers/Observers will attend formal sniper training to upgrade skills and knowledge,
5. All training planned and accomplished by the Sniper/Observer will be documented in a training report and forwarded to the SWAT Commander and the Department Training Records Custodian,]

[Revised 07/01/10]

6. [The Sniper/Observer will maintain individual shooting records, in the form of shooting data books.
- E. The selection criterion and selection process for the Sniper/Observer are as follows:
1. Sniper/Observer candidates will be selected from the roster of SWAT members based on the listed criteria:
 - a. Current SWAT Team member in good standing,
 - b. Volunteer for the position,
 2. After preliminary selection, the candidate(s) will submit to the following screening steps:
 - a. Oral interview conducted by team selection board,
 - b. Shooting ability,
 - c. Recommendation of sniper contingent members.
 3. Selected candidate will join the sniper contingent in a non-operational status until graduation from a formal law enforcement sniper school and has passed the department sniper qualification course.]
- F. The qualification and performance standards for the Sniper/Observer are as follows:
1. Each Sniper/Observer will attend and graduate from a formal law enforcement sniper school
 2. Each Sniper/Observer will pass the department's sniper qualification course. The course will be designed to test the Sniper/Observer's skills as they apply to realistic job-related applications. This may include cold bore shots, partially exposed targets, stress shots, moving targets and intermediate barriers. This course will be administered at least four times a year. Each course will require a score of 90% or better to pass.
 3. Failure to pass two consecutive qualification courses will result in remedial training and/or removal of the Sniper/Observer from operational status until demonstrating proficiency by passing the qualification course and meeting all requirements of the Sniper/Observer position.]

[Revised 07/01/10]

.08 [Policy Review

Per NTOA recommendations, this policy is subject to a review every three (3) years for the purpose of updating all applicable policies and procedures.]

I have read and understand this order:

Date: _____

[Revised 07/01/10]

ANNEX A

MARATHON COUNTY SHERIFF'S DEPARTMENT
NOTIFICATION OF TRAINING EXERCISE

NOTICE OF INTENT TO CONDUCT TRAINING EXERCISE

The Marathon County Sheriff's Department [SWAT Team] will be conducting a training exercise at _____ on _____ at _____ AM/PM.

The exercise will consist of the following:

This information is being provided for the purpose of making all concerned or affected persons aware of the exercise and avoids any confusion or disruption of activities.

Please inform any and all persons within your unit, etc. whom this exercise may affect. Complete and return the attached "Confirmation of Notification" within 48 hours.

[Confirmation of Notification]

Delivered to: Name _____

By: _____ Date: _____

I certify that I have been advised of the above described training exercise and have further notified the following persons of this exercise:

Signature _____ Name _____

Dept./Address _____ Date _____ Time _____

[Revised 07/01/10]

Show-ups_Witness Instructions.pdf

WAUSAU POLICE DEPARTMENT

WPD Case Number: _____

SHOW-UP PROCEDURE – WITNESS INSTRUCTIONS

Read: In a moment, I am going to show you an individual. That person may or may not be the person who committed the crime. I myself do not know if the person is the one who committed the act.

You should not feel you have to make identification. It is important to exclude innocent persons as it is to identify the perpetrator.

After you have observed the individual, I will ask you "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes", I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way this procedure will be conducted and the other instructions I have given you?

WITNESS TO READ THE FOLLOWING PARAGRAPH AND SIGN AND DATE BELOW

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to observe the individual who will be presented to me, and I will follow the instructions provided on this form.

Witness Signature: _____ Date: _____ @ _____ : _____ PM AM

Officer Signature & Badge #: _____

SHOW-UP RESULTS

Date of Show-Up: _____ Time of Show-Up: _____ : _____ PM AM

Show-Up Location: _____

Person Depicted in Show-Up: _____

Show-Up Subject Identified? Yes No

Witness Signature: _____

Officer Signature: _____

Digital Photo Taken of Subject:

Live Lineups_Witness Instructions.pdf

WAUSAU POLICE DEPARTMENT

WPD Case Number: _____

LIVE LINEUP PROCEDURE - WITNESS INSTRUCTIONS

Read: In a moment, I am going to show you a series of individuals. The person who committed the crime may or may not be included. Even if you identify someone during this procedure, I will continue to show you all the individuals in the series.

Keep in mind that things like hair styles, beards, and mustaches can be easily changed.

You should not feel you have to make identification. It is important to exclude innocent persons as it is to identify the perpetrator.

The individuals will be shown to you one at a time and are not in any particular order. Take as much time as you need to look at each one. After each individual, I will ask you "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes", I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the lineup procedure will be conducted and the other instructions I have given you?

WITNESS TO READ THE FOLLOWING PARAGRAPH AND SIGN AND DATE BELOW

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the individuals who will be presented to me, and I will follow the instructions provided on this form.

Witness Signature: _____ Date: _____

Officer Signature & Badge #: _____ Date: _____

LIVE LINEUP RESULTS

Did Witness Make Identification? Yes No

If Yes, indicate 'Position No.': _____

Witness Signature Attesting to Live Lineup Results: _____

Date: _____

Live Lineups_Worksheet.pdf

WAUSAU POLICE DEPARTMENT

LIVE LINEUP WORKSHEET

(1) WPD Case Number: _____

(2) Viewing Date & Time: _____ @ _____: _____ PM AM

(3) Location Where Live Lineup Occurred: _____

(4) Name of Viewer: _____

(5) Viewer's Relationship to Case: _____

(6) Officers Present (besides reporting officer):

Name: _____ Duties: _____

Name: _____ Duties: _____

(7) Others Present:

Name: _____ Reason: _____

(8) Persons Participating in Lineup:
Name

(9) Position in Lineup

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(10) Person Identified (if any): _____

(11) Position Number: _____

(12) Did Additional Viewing Occur: Yes No

(13) Officer Signature & Badge #: _____

Photo arrays_Witness Instructions.pdf

WAUSAU POLICE DEPARTMENT

WPD Case Number: _____

PHOTO ARRAY PROCEDURE - WITNESS INSTRUCTIONS

Read: The folders in front of you contain photos. In a moment, I am going to ask you to look at the photos. The person who committed the crime may or may not be included in the photos. Although I placed the photos into the folders, I have shuffled the folders so that right now I do not know which folder contains a particular photo.

Even if you identify someone during this procedure, I will continue to show you all photos in the series. Keep in mind that things like hair styles, beards, and mustaches can be easily changed and that complexion colors may look slightly different in photographs.

You should not feel you have to make identification. It is as important to exclude innocent persons as it is to identify the perpetrator.

You will look at the photos one at a time and, since I have shuffled them, they are not in any particular order. When you open a folder, please open it in a manner that does not allow me to see the photo inside the folder. Take as much time as you need to look at each one. When you have finished looking at a photo, close the folder and hand it to me. I will then ask you, "Is this the person you saw [insert description of act here]?" Take your time answering the question. If you answer "Yes", I will then ask you, "In your own words, can you describe how certain you are?"

Because you are involved in an ongoing investigation, and in order to prevent compromising the investigation, you should avoid discussing this identification procedure or its results.

Do you understand the way the photo array procedure will be conducted and the other instructions I have given you?

WITNESS TO READ THE FOLLOWING PARAGRAPH AND SIGN AND DATE BELOW

I have read these instructions, or they have been read to me, and I understand the instructions. I am prepared to review the photographs that will be presented to me, and I will follow the instructions provided on this form.

Witness Signature: _____ Date: _____

Officer Signature & Badge #: _____ Date: _____

PHOTO ARRAY RESULTS

Did Witness Make Identification? Yes No

If yes, indicate 'Folder No.': _____

Witness Signature Attesting to Photo Array Results: _____

Date: _____

Photo arrays_Worksheet.pdf

WAUSAU POLICE DEPARTMENT

PHOTO ARRAY WORKSHEET

(1) WPD Case Number: _____

(2) Viewing Date & Time: _____ @ _____:_____ PM AM

(3) Location Where Photo Array Procedure Occurred: _____

(4) Name of Viewer: _____

(5) Viewer's Relationship to Case: _____

(6) Officers Present (besides reporting officer):

Name: _____ Duties: _____

Name: _____ Duties: _____

(7) Others Present:

Name: _____ Reason: _____

(8) Source of Photographs: _____

(9) Name & Booking # of Persons Depicted in Photo(s):
(Complete before viewing)

(10) Folder Number
(Complete after viewing)

(11) Person Identified (if any): _____

(12) Folder Number: _____

(13) Did Viewer Sign/Date Front of Photo Identified? Yes No

(14) Did Additional Viewing Occur: Yes No

(15) Officer Signature & Badge #: _____

Buccal swab procedure.pdf

Buccal Swab Collection

Step 1

Verify the person's identity.

Step 2

Ensure the subject's mouth is empty of food, drink or anything that might obstruct swabbing. The swab must make unobstructed contact with the inner cheek to collect a good specimen. Dental appliances or piercings do not need to be removed. If you suspect the subject might have a contaminating DNA source in the mouth, have them rinse their mouth with water prior to collection.

Step 3

Put on exam gloves before opening the swabs. If you are collecting specimens from more than one person, change gloves between individuals. The use of gloves during collection and handling help protect you and reduces the opportunity for contamination.

Step 4

Open the sterile swab package. Lay open the package so the sterile surface is available to air-dry the swab tip after swabbing. Be careful not to touch the cotton tip or allow become contaminated in any way.

Step 5

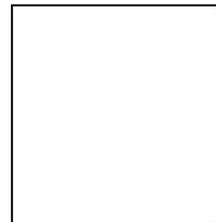
Prepare a swab carton.

Step 6

Remove one swab from the package. Do not moisten swabs before collection. Use dry swabs for rubbing on the inner cheek.

Step 7

Have the subject open their mouth. Place the cotton tip against the person's inner cheek on one side of the mouth. Gently, but firmly move the cotton tip in and out at least 5 times, rotating the swab while rubbing it against the inner cheek.

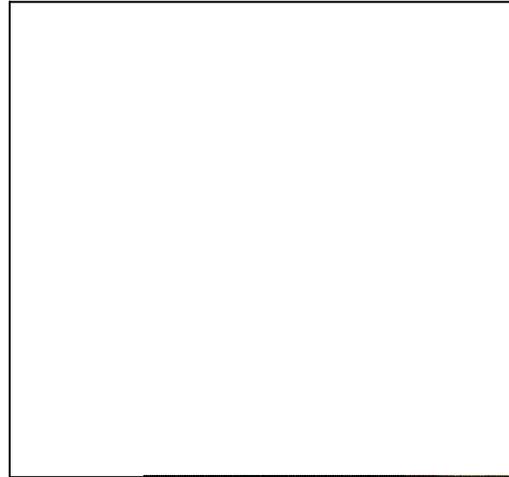


Step 8

Have the subject open their mouth. Place the cotton tip against the person's inner cheek on one side of the mouth. Gently, but firmly move the cotton tip in and out at least 5 times, rotating the swab while rubbing it against the inner cheek.

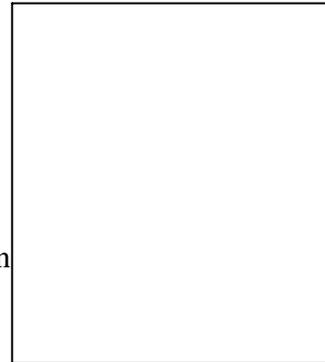
It is very important that the swab be in solid contact with the inner cheek surface.

Do not collect from the teeth or along the edges of the teeth. The goal is to collect cells from the inside wall of the cheek. These cells contain the DNA for analysis.



Step 9

Place the swab on the sterile side of the swab packaging to air dry. Do not let the cotton tip of the swab touch anything except the sterile side of the swab packaging. Allow air drying for several minutes if it is practical to do so. Place swab in the swab carton.



Step 10

Repeat steps 7 through 9, with second swab, swabbing on the other side of the mouth.

Step 11

Secure both swabs in the same carton. Label the carton with case #, item #, person's name, date. DO NOT seal the carton. Package the closed carton in an evidence envelope, seal the envelope and submit as evidence.

10 Codes.pdf

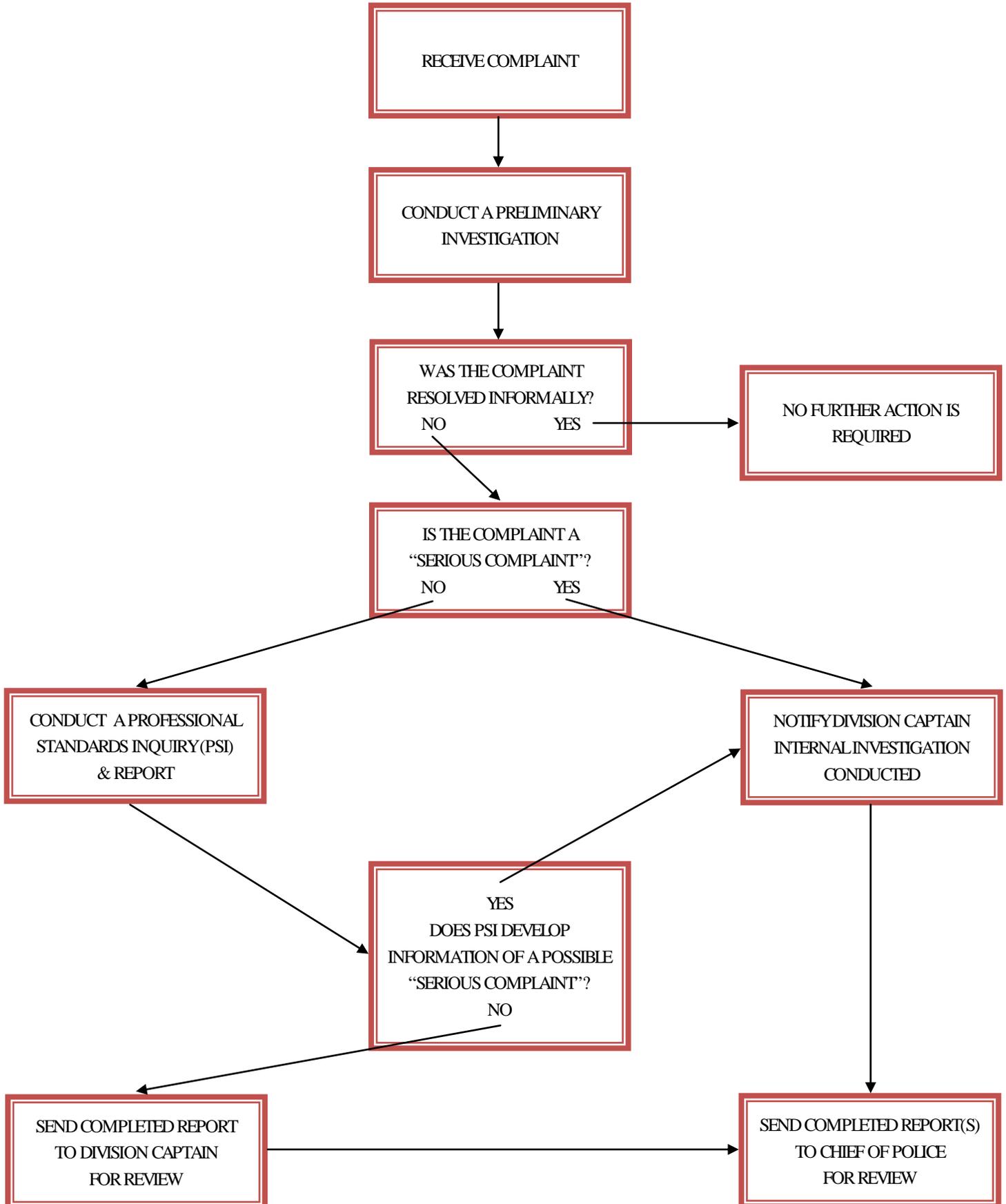
STATE OF WISCONSIN STANDARDIZED 10 CODES

10-0: Use Caution	10-51: Wrecker/Tow Truck Needed
10-1: Unable to Copy – Change Location	10-52: Ambulance Needed
10-2: Signal Good	10-53: Road Blocked at...
10-3: Stop Transmitting	10-54: Livestock on Highway/Roadway
10-4: Acknowledge (OK)	10-55: Intoxicated/Drunk Driver
10-5: Relay	10-56: Intoxicated/Drunk Person/Pedestrian
10-6: Busy – Stand-by Unless Urgent	10-57: Hit & Run (F = Fatal, PI = Personal Injury, PDO = Property Damage Only)
10-7: Out of Service	10-58: Direct Traffic
10-8: In Service	10-59: Escort
10-9: Repeat	10-60: Squad/Officer In Area
10-10: Fight in Progress	10-61: Person in Area/Close-by
10-11: Dog Case	10-62: Reply to Message
10-12: Stand-by	10-63: Prepare to Make Written Copy
10-13: Weather/Road Report	10-64: Message for Local Delivery
10-14: Prowler Report	10-65: Net Message Assignment
10-15: Civil Disturbance	10-66: Message Cancellation
10-16: Domestic Dispute	10-67: Clear for Net Message
10-17: Meet Complainant	10-68: Dispatch Information
10-18: Quickly	10-69: Message Received
10-19: Return to...	10-70: Fire/Fire Alarm
10-20: Location	10-71: Advise Nature of Fire
10-21: Call... by Telephone	10-72: Report Progress on Fire
10-22: Disregard	10-73: Smoke Report
10-23: On Scene	10-74: Negative
10-24: Clear from Scene/Assignment Complete	10-75: In Contact With...
10-25: Report in Person/Meet	10-76: En Route/On The Way
10-26: Detaining Subject, expedite	10-77: Estimated Time of Arrival (ETA)
10-27: Driver's License Check	10-78: Officer Needs Assistance
10-28: Vehicle Registration Check	10-79: Coroner/Medical Examiner Needed
10-29: Check for Warrants	10-80: Chase In Progress
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10-31: Crime in Progress	10-82: Reserve Lodging
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**PERSONNEL COMPLAINT
PROCESS FLOWCHART.pdf**

Wausau Police Department Personnel Complaint Process

Policy 1010 - Personnel Complaints/Internal Affairs



Wausau Police Department Awards.pdf

Wausau Police Department Awards

Back-Up Officer Award

The best resource at any call for service can be an officer's back-up. Chosen by their peers, the recipient of this award was selected for their willingness to share responsibility at service calls, remain calm in crisis situations and offer sound advice and perspective to the lead officer. This officer can be counted on for support not only during the tense moments of an initial response, but throughout the entire incident and follow-up investigation. This is a special award because it is the only award determined by an officer's peers.

Community Partner Award

The Mission of the Wausau Police Department is, in part, to "partner with the community to enhance the quality of life" for our citizenry. This award recognizes a community member or entity whose partnership with the department serves to fulfill this mission through their leadership in the community, their contribution of available resources and their support of law enforcement efforts.

Problem-Solving Officer of the Year Award

As the Wausau Police Department seeks to identify and resolve neighborhood problems, this award recognizes the officer who consistently works to address the causes of problems in our community. Reactive law enforcement efforts to symptomatic problems can miss the underlying source of conflict and result in only a temporary relief. Recognizing this, this officer takes an interest in the lives of those affected by adverse situations and uses their efforts to bring about positive change.

Community Policing Project of the Year Award

The Wausau Police Department embraces a community policing philosophy. Department staff members are encouraged to find effective ways to forge partnerships and build trust with the community to make a lasting impact for good. The recipient of this award has shown great initiative in developing and implementing a project designed to reduce crime or engage community members. (details about award-winner's project / efforts)

Community Volunteer Award - Outstanding Service in the Community

Community-mindedness is a priority for department staff. We are in a position to make a great difference in the Wausau area. This can happen not only through our efforts as a law enforcement agency, but as individual members of our community. This award recognizes the officer whose selfless service to the community outside of their role as a department member enriches lives and is an example to others.

Core Values Award

The core values of the Wausau Police Department are professionalism, accountability, integrity and respect. These are more than just words. These are strongly-held beliefs, foundational to our organization. Defining who we are and what we stand for, our core values must drive our actions as we fulfill our obligations to the community. The recipient of this award has shown a consistent commitment to the core values and models them in their daily interactions with others.

Distinguished Service Award (20+ years)

The Wausau Police Department recognizes the benefit of having seasoned officers working with us. These men and women have demonstrated loyalty to the department and community through 20 or more years of service. This award goes to that veteran department member whose motivation and passion for public service have not diminished over the years. They continue to be an example to others and positively represent the department to the community. Their experience is valued and their mentoring of others will carry on their legacy long after they are gone.

Dispatcher of the Year Award

Chosen by the officers, this award acknowledges the strong tie that must exist between officers and dispatchers. This award recipient embodies professionalism. Telecommunications is an extremely difficult profession because dispatchers must serve various groups or agencies. Answering emergency 911 calls and dispatching police officers and firefighters are tasks that must be met with a calm demeanor and a servant spirit. The Wausau Police Department recognizes the importance of our telecommunicators. Their efforts to communicate vital information keep our officers safe. Without their teamwork and professionalism, we would not be effective members of the police department.

“Don Ryder” Bridge Builder Award

Don Ryder has had a profound impact within the Wausau Police Department. He continues to consult and support the police department in many initiatives. Don was the facilitator during the development of our core values and he recognizes the importance of our mission statement. Don often talks to officers about the importance of their work.

Part of our mission statement is “partnering with the community.” Don has given framed photos of Fort Point under the Golden Gate Bridge in San Francisco, California, to recognize people within the police department as “Bridge Builders.” This “Bridge Builder” award recognizes Don’s tremendous contribution to the department’s partnership efforts. This award will now be known as the “Don Ryder Bridge Builder Award” to recognize someone within the police department who has made community partnership a priority. Building bridges with our community enhances our effectiveness and garners public trust.

Public Official Partnership Award

Without strong support from our public officials it is extremely difficult to achieve our mission. Public officials provide support in many ways throughout the year. Public officials are policy makers and, therefore, provide support by enacting legislation to enhance our ability to maintain quality of life in our community. Additionally, they establish budget priorities to include equipment, personnel, and other resources. Public officials also provide support through their words and actions both publicly and privately. This award recognizes the public official who has been an outstanding police partner throughout the year.

Excellence in Policing Award

This award is presented to an officer who has demonstrated sustained excellence in policing. Their unfailing dedication to their career of law enforcement is an example for police officers across the globe. This award is earned as a result of an innovative solution to a long-standing and/or difficult problem within the community. Often considered a policing best-practice, Problem-Oriented Policing (or P.O.P.) requires the police to work in tandem with the community to identify and resolve community problems. Recipients of the Excellence in Policing Award have achieved our mission of policing excellence through community partnership to enhance the quality of life.

Bullseye Award

While today's law enforcement officers must balance being first responders, mediators and teachers, one constant remains - a law enforcement officer is expected to maintain proficiency with their duty weapon. One of the most recognizable images associated with police work is that of a uniformed officer equipped with a firearm. It is a reminder of the dangers associated with our profession. It is a wise officer that approaches his or her firearms training with seriousness and a determination to always be improving. This award is presented to the sworn officer whose efforts in this area have been an example to others, and is representative of our department's commitment to training excellence.

Training Officer Award

Training is the lifeblood of law enforcement. From the moment a police officer is hired (often before he or she is hired), they are in training. From 18 weeks of recruit school, through the Field Training program, to annual in-service training and constant career development training, law enforcement officers recognize training is essential to preparedness. Our training officers teach officers how to handcuff, subdue a combative subject, shoot a firearm, do CPR, perform field sobriety tests, drive a police car in emergency mode, and much more. Along with teaching these skills, our training officers teach the many legal implications that come along with using (or not using) these skills.

The Training Officer Award is given to that trainer who has made a significant impact on the quality of training officers receive. This can be demonstrated through a specific training initiative or through hands-on training excellence in the classroom.

Lifesaving Award(s)

A police officer values human life, and will take great measures to protect it. The Law Enforcement Code of Ethics, which serves as the basic standard of principle and professional behavior for officers of the Wausau Police Department, states that our "fundamental duty is to serve humanity." Occasionally that service may take a dramatic form. This award is presented to an officer who has saved a life through notable effort during the year. This could be done through use of learned skills like CPR or any other method. (Details of recipient's actions).

Law Enforcement Officer of the Year Award

The Law Enforcement Officer of the Year Award is the most prestigious of awards that can be bestowed upon a police officer. This award is presented to the officer who has far exceeded expectations and requirements of his or her position. The Law Enforcement Officer of the Year is given to that officer who embodies a high moral character and demonstrates exemplary performance in all areas of police work, and more importantly, strives to help the community in which he or she serves to grow and flourish. This officer gives more of himself or herself than asked, and often makes sacrifices to benefit the greater good, without expectation of acknowledgement or reward.

Supervisor of the Year Award

The vitality and strength of a police department is dependant, to a very large degree, upon its supervisory staff. Supervisors must model behavior and live department values. They are the link between the development of the department mission or vision and its implementation. The effective police supervisor seeks to help others improve by getting to know them individually, along with their strengths and aptitudes. The Supervisor of the Year Award is given to that supervisor who has demonstrated leadership within the department and a continuing desire to bring out the best in others.

City Employee/Department of the Year Award

The police department is proud to work with other city departments and staff to improve the quality of life in Wausau. We enjoy strong relationships with these other departments and individuals. These relationships enhance our ability to perform at a high level and provide the service our citizens have come to expect. With this award we recognize that city employee or department whose partnership and assistance were instrumental in helping our department fulfill its mission.

Awesome! Award

Occasionally, situations will arise that defy all categorization other than “Awesome!” The recipient of this award has shown tremendous compassion and sacrifice as they worked to make our world a little better. The example provided by these actions inspires all of us to greater heights as we test the limits of our ability to be an instrument of good in our community. (details of recipient’s actions)

Police Support Staff Member of the Year (non-sworn)

This award goes to the police department employee (non-sworn) who has done the most to improve operations within the police department to accomplish our mission of enhancing the quality of life in our community. This employee consistently exceeds expectations and lives our core values daily. Recipients of this award could be from our records bureau, a Community Service Officer, Parking Control, Crossing Guards or any other non-sworn person at the police department.

Emergency Police Volunteer of the Year Award

Our Emergency Police Officers volunteer more than 2000 hours every single year. They work crowd control at a variety of events throughout the summer, gladly giving their free time to help our community. The Emergency Police are essential to the efficient operations of the police department thereby increasing the quality of service we can provide to our community. This professional group of volunteers serves as extra eyes and ears of the police officers. The recipient of this award has demonstrated outstanding volunteerism by participating in many of the events staffed by our Emergency Police. Furthermore, the Emergency Police Volunteer of the Year has also been dutiful in performing their responsibilities with great care and conviction.

Outstanding Team Award

Regardless of their current assignment, each member of the Wausau Police Department is an integral part of a team. These teams may take many forms - a patrol shift, a specialized unit, a temporary task-force, etc. It is through our combined efforts that obstacles are overcome and goals are achieved. The recipients of the Outstanding Team Award pooled resources, shared knowledge and united their efforts to accomplish something even greater than their own individual contributions.

Valor Award

Occasionally, our officers are called upon to do something extraordinary in the face of great opposition or difficulty. This is the nature of our profession. "Valor" can be defined as heroic courage, or boldness and determination in facing great danger. This award is presented to a law enforcement officer for "...exhibiting courage, decisiveness and presence of mind; or an exceptional swiftness of action, regardless of his or her personal safety, in an attempt to save or protect human life." (modified from the Public Safety Officer Medal of Valor) - (details of recipient's actions)

Purple Heart Award

In the spirit of the Purple Heart Award issued by the United States Armed Forces, the Wausau Police Department Purple Heart Award may be awarded to sworn members who received a serious wound or injury sustained in the line of duty, where they use good judgment in accordance with the core values and high standards of this agency. Recipients of this award show mental and moral strength to protect others in the face of danger, difficulty, uncertainty or pain without being overcome by fear.

Rookie of the Year Award (<3 years)

The Wausau Police Department prides itself on recruiting the best possible candidates for new officer positions. These "rookie" officers inject an enthusiasm and excitement for the profession into their respective shifts. While we appreciate all of our new officers, the "Rookie of the Year" award is given to that new officer who embraces our core values as their own and works to fulfill the department mission. They have put great effort into learning all they can, and then using that knowledge to make a difference in our community.

Journalistic Excellence Award

As the Wausau Police Department responds to a large variety of service calls each year, local media is tasked with reporting the details of many of those incidents. It can be a difficult job to balance keeping the public informed while respecting the police department's need to preserve the integrity of an investigation. We recognize the importance of transparency to the public and welcome opportunities to share our successes and struggles. We work to be approachable and open with our local media. This award is presented to a local media representative who reported our efforts objectively and helped to strengthen public trust in our department.

"Badges" Award

Our department values partnerships with other area law enforcement agencies. Regardless of where crises arise, our department members will answer the call to action. At times, there are incidents that can occur on such a scale as to overwhelm one work shift or agency. This could be due to simple call volume, or it could be a serious threat to the safety of others. The recipient of this award has shown initiative and proven ready to respond whenever and wherever needed. (details of the recipient's actions).

Community Caretaker Award

The "community caretaker" designation is generally used to describe law enforcement's efforts to assist citizens in a variety of ways. This award is to recognize the efforts of other professionals in our community to improve the quality of life for our citizens. It's one thing to make an arrest, de-escalate or situation or respond to a tragedy, but taking the time to effectively champion the rights of an individual long after the initial incident is over requires dedication. We are fortunate to have very compassionate individuals in our community that are willing to take the time needed to make a connection with those who have faced adversity.

WPD Special Service Award

The Wausau Police Department recognizes there are some outstanding acts performed by our staff that may not fit into some previously described awards. Additionally, there may be services rendered by the public in the spirit of police partnership that deserve recognition. This award is given to those whose actions have shown a dedication to law enforcement and a commitment to public service.

Uniform and Equipment Specifications Manual.pdf

Uniform and Equipment Specifications Manual

Wausau Police Department

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Chief of Police or the authorized designee to ensure that employees performing law enforcement functions will be readily identifiable to the public through the proper use and wearing of department uniforms. The manual should be consulted regarding authorized equipment and uniform specifications and further clarifies:

1. What clothing or equipment items are provided by the agency.
2. What required clothing or equipment items are not provided by the agency and their specifications.
3. What clothing or equipment items are prohibited.

The following clothing and equipment will be supplied by the agency:

1. Patrol Officer
 - a. Uniforms
 - i. 2 pairs pants: Navy (LAPD blue) in color, either polyester or wool blend, cargo pockets
 - ii. 1 pair pants: Navy (LAPD blue) in color, either polyester or wool blend, w/o cargo pockets
 - iii. 3 short sleeve shirts: Navy (LAPD blue) in color
 - iv. 3 long sleeve shirts: Navy (LAPD blue) in color
 - v. 1 tie: Black in color
 - vi. 1 "5-Star" hat: Navy (LAPD blue) in color
 - vii. 1 rain cover for 5-Star hat
 - viii. 1 baseball style hat
 - ix. 1 coat, Gortex cold/adverse weather coat: Navy (LAPD blue) in color
 - x. 1 rain coat
 - b. Miscellaneous Items
 - i. 2 name tags
 - ii. 2 WPD collar emblems
 - iii. 1 whistle chain
 - iv. 1 traffic safety vest
 - v. 1 badge for uniform shirt
 - vi. 1 badge for 5-Star hat
 - vii. 1 bullet resistant vest
 - viii. 1 bullet resistant vest carrier
 - c. Duty Gear and Other Equipment
 - i. 1 Bianchi Accumold Elite duty belt
 - ii. 1 underbelt
 - iii. 4 belt keepers
 - iv. 1 expandable baton
 - v. 1 baton holder
 - vi. 2 sets of handcuffs
 - vii. 1 double cuff case or 2 single cuff cases

- viii. 1 radio
- ix. 1 leather radio holder
- x. 1 leather rubber glove pouch
- xi. 1 set of Kevlar style leather gloves
- xii. 1 Glock model 22 handgun
- xiii. 1 holster
- xiv. 1 handgun light
- xv. 3 magazines
- xvi. 1 leather magazine pouch
- xvii. 1 can OC spray
- xviii. 1 leather OC holder
- xix. TASER holster
- xx. TEMS: tourniquet, emergency bandage, HALO trauma dressing, modular bandage
- xxi. 1 riot control helmet
- xxii. 1 set of Servus studs

2. Honor Guard

a. Uniforms and Duty Gear

- i. 1 class A jacket
- ii. 1 pair of uniform pants
- iii. 1 long sleeve white dress shirt
- iv. 1 black tie
- v. 1 black high gloss dress shoes
- vi. 1 blue cord, worn on left arm
- vii. 1 white dress gloves
- viii. 1 high gloss black belt
- ix. 1 high gloss black holster
- x. 1 high gloss black magazine pouch
- xi. 1 high gloss black handcuff case
- xii. 1 high gloss shoulder strap

3. SWAT

a. Uniforms

- i. 1 ballistic entry vest, make/model as determined by SWAT Commander
- ii. 1 ballistic helmet, make/model as determined by SWAT Commander
- iii. 1 TDU shirt, 5.11 brand long-sleeve rip-stop, green
- iv. 1 TDU shirt, 5.11 brand long-sleeve rip-stop, digital woodland
- v. 1 TDU pants, 5.11 brand long-sleeve rip-stop, green
- vi. 1 TDU pants, 5.11 brand long-sleeve rip-stop, digital woodland
- vii. 2 boonie hats, one green, one digital woodland
- viii. 1 pair gloves, Hatch, SOG-HK, foliage green
- ix. 1 cold weather coat, Gander Mountain, Tech2O insulated parka, reatree or similar
- x. 1 cold weather pants, Gander Mountain, Tech2O, insulated pants, reatree or similar
- xi. 1 boots, insulated cold weather, Irish Setter, LaCrosse, or comparable
- xii. 1 boots, wet weather, Muck brand or similar
- xiii. 1 rain jacket, Gander Mountain, Tech2O, reatree or similar
- xiv. 1 rain pants, Gander Mountain, Tech2O, reatree or similar

- b. Additional Equipment
 - i. 1 knee pads, XTAC, OD green
 - ii. 1 elbow pads, XTAC, OD green
 - iii. 1 hydration system, Camelbak, ThermoBak Omega 100oz
 - iv. 1 goggles, ESS brand or comparable
 - v. 1 Radio headset, make/model as determined by SWAT Commander
 - vi. 1 gas mask with filter, make/model as determined by SWAT Commander
 - vii. 1 night vision unit, make/model as determined by SWAT Commander
 - viii. 1 nylon duty belt
 - ix. 1 nylon handcuff case
 - x. 1 nylon magazine pouch
 - xi. 1 tactical thigh holster, Safariland, model 6004 or similar
 - xii. 1 AR-15 entry style weapon, .223 caliber
 - xiii. Additional equipment may be issued for specialized roles (e.g. SWAT Sniper)

The following clothing and equipment is required and not provided by the agency:

1. 1 pair of footwear; black plain toe shoes, boots, capped shoes or, leather athletic/uniform oxfords.

The following clothing or equipment items are prohibited by the agency:

1. Bracelets-except for medical alert
2. Expansion style watch bands
3. Sunglass neck straps
4. Any additional weapons not issued by the department are prohibited unless approved by the Chief of Police or his/her designee

**Prescription Drug Monitoring
Program Report Form.pdf**

Authorized weapons.pdf

NCERT Assignment Card.pdf

Wausau PD Policy Manual

Wausau PD Policy Manual

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