MANUAL OF POLICY, REGULATIONS AND PROCEDURES

TO: All Personnel

FROM: Gerald Staniszewski

SUBJECT: Manual of Policy, Regulations and Procedures

The "Manual of Policy, Regulations and Procedures" is issued to all members of the Eau Claire Police Department.

The formulation of the manual is a continuous process in which all materials are subject to review and revision. The underlying concept of this manual is one of continued policy development, modification, and refinement.

This manual is not intended to present all of the answers. Rather, the manual provides the department with a guide to exercising police discretion. As materials are developed or revised, they will be issued to all members of the department for acceptance.

All members are responsible for familiarizing themselves with the contents, and acting in accordance with guidelines contained in the manual. No policy manual, however, could ever anticipate all of the infinite fact situations that an employee could face during the course of organizational and human affairs.

In the event that an employee reasonably and honestly believes that to follow a policy or rule in this manual would cause an illegal, unjust, or significantly inappropriate outcome, the employee may be excused from adhering to the policy or rule in question.

In the event that an employee chooses to deviate from the requirements of this manual, the burden will be on the employee to prove that the circumstances he or she faced made it unreasonable to follow policy or rules. If the employee can establish that such was the cases, the employee's deviation from the policy or rule will be excused.

Gerald Staniszewski, Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The mission of the Eau Claire Police Department is to enhance the quality of life in Eau Claire by partnering with the community to solve problems, reduce crime and idsorder, safeguard individual rights, and improve public safety.

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GOALS AND OBJECTIVES

Add Goals and Objectives here.

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Chapter 1 - Law Enforcement Role and Authority

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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 PEACE OFFICER POWERS

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

100.2.1 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)).

100.2.2 POWERS OUTSIDE THE JURISDICTION

An officer who is outside the City of Eau Claire 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 the Eau Claire Police Department.

(c) The officer is acting to respond to any of the following:

1. An emergency situation that poses a significant threat to life or of bodily harm.
2. Acts that the officer believes, on reasonable grounds, constitute a felony.

100.2.3 OFF-DUTY PEACE OFFICER POWERS

An off-duty officer may arrest a person or provide aid or assistance outside the territorial jurisdiction of the Eau Claire Police 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 the Eau Claire Police Department.

100.3 INTRASTATE PEACE OFFICER ASSISTANCE

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

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100.3.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE

The Eau Claire Police Department may not respond to a request for assistance from a tribal law enforcement agency at a location outside the City of Eau Claireunless 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. § 66.0513 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.

100.4 INTERSTATE PEACE OFFICER POWERS

Police 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).

100.5 CONSTITUTIONAL REQUIREMENTS

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

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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 City Manager. The Chief Executive Officer shall obey all lawful written orders of the City Manager or other appropriate elected body (Wis. Stat. § 62.09(13)(a)).

101.3 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 required prerequisites and complete any course of training prescribed by the Wisconsin Law Enforcement Standards Board (LESB) (Wis. Admin. Code LES § 2.01(1)).

101.3.1 OATH OF OFFICE

The Chief Executive Officer shall take and file the official oath of office within 20 days after notice of election or appointment (Wis. Stat. § 59.21(1)).

101.3.2 AUTHORITY

The Chief Executive Officer shall have command of the law enforcement force of the City (Wis. Stat. § 59.26).

The Chief Executive Officer shall have charge of all City jails, including that portion of any jail that is used by the City in a joint government building (Wis. Stat. § 59.28; Wis. Stat. § 59.27(1)).

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101.4 TRAINING

Each newly elected or appointed Chief Executive Officer should attend executive development training courses within two years of appointment. Such training may include programs provided by the Wisconsin Department of Justice Training and Standards Bureau, the Wisconsin Certified Public Manager Program, the FBI National Academy and the International Association of Chiefs of Police.

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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 appointed to the Eau Claire 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 Eau Claire Police Department to the best of my ability. So help me God.

102.1.2 LAW ENFORCEMENT OATH OF HONOR

The Eau Claire 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.

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.

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102.2 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Eau Claire 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.

103.1.1 DISCLAIMER

The provisions contained in this 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 Eau Claire 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Eau Claire Police Department reserves the right to revise any policy content, in whole or in part.

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 Eau Claire 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 Eau Claire Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 STAFF

The staff shall consist of the following:

- Chief of Police
- The Deputy Chief from each division

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- Lieutenant of Special Services
- Director of Administration
- Director of Communications Center
- The staff shall review all recommendations regarding proposed changes to the manual.

103.2.3 OTHER PERSONNEL
All department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Deputy Chief, who will consider the recommendation and forward it to staff.

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

103.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Departmental Directive may be abbreviated as "DD."
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X."

103.3.2 DEFINITIONS
The following words and terms shall have these assigned meanings, 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 Eau Claire

CFR - Code of Federal Regulations

CIB - The Wisconsin Crime Information Bureau

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

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Department /ECPD - The Eau Claire Police Department

DCI - The Wisconsin Division of Criminal Investigations

DLES - The Wisconsin Division of Law Enforcement Services

DJC - The Wisconsin Department of Juvenile Corrections

DOC - The Wisconsin Department of Corrections

Employee/personnel - Any person employed by the Department.

LESB - The Wisconsin Law Enforcement Standards Board

Manual - The Eau Claire Police Department Policy Manual

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Police Department, including full-time or part-time sworn officers, auxiliary officers, civilian employees and volunteers.

OCVS - The Wisconsin Office of Crime Victim Services

Officer - Those employees, regardless of rank, who are sworn peace officer employees of the Eau Claire Police Department.

On-duty - Employee 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 regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other employees, directing the work of other employees or adjustment of employee grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any supervisor, lead worker, unit leader or other person given responsibility for the direction of work without regard to a formal job title, rank or aspects of compensation established by a collective bargaining agreement, the Fair Labor Standards Act or any similar statutes or ordinances related to employment compensation or benefits. On those occasions where a single employee is working, that employee may also be the supervisor, except

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when circumstances reasonably require the notification or involvement of the employee's off-duty supervisor or an on-call supervisor.

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

USC - United States Code

WAG - The Wisconsin Attorney General

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

WSP - The Wisconsin State Patrol

103.3.3 DISTRIBUTION OF MANUAL
Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Deputy Chiefs
- Director of Administration
- Director of Communications
- Lieutenant of Special Services Bureau
- Patrol Lieutenants

An electronic version of the Policy Manual will be made available to all employees on the department network. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

103.4 DEFINITIONS

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

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

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

City - The City of Eau Claire.

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CFR - Code of Federal Regulations.

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

Department/ECPD - The Eau Claire Police Department.

Employee/personnel - Any person employed by the Department.

LESB - The Wisconsin Law Enforcement Standards Board.

Manual - The Eau Claire Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Eau Claire Police Department, including full-time or part-time sworn officers, auxiliary officers, civilian employees and volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the Eau Claire 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 regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

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

USC - United States Code.

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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.

103.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. The Special Services Lieutenant will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return e-mail and shall review the revisions and seek clarification as needed.

Each commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

103.4.2 PERIODIC REVIEW OF THE POLICY MANUAL

At least biannually, the Chief of Police will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to the actual operation of the Department and complies with Wisconsin law.

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PHILOSOPHIES AND GOALS

104.1 OPERATING PHILOSOPHIES AND GOALS OF THE EAU CLAIRE POLICE DEPARTMENT

Police operations will exemplify social concern for the protection of individual freedoms and the general welfare and the development of humanitarianism in the community.

Police operations will be based upon the equality of all members of the community in the eyes of the law.

Police operations will be characterized by the meticulous adherence to constitutional, ethical, and performance standards.

Police operations will largely focus upon the support of other less formal sources of social regulation and services available to the community.

Police operations must always be based upon the explicit and broadly held notions of police service by the community.

Police operations will always reflect receptivity to development and change in order to better respond to the appropriate requests and needs of the community.

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OBJECTIVES

105.1 DEPARTMENT OBJECTIVES

The department objectives are to:

Create constitutional guarantees for all persons,

Reduce the opportunities for the commission of crime,

Aid individuals who are in danger of physical harm and assist those individuals who cannot care for themselves,

Resolve conflict,

Identify criminal offenders and criminal activity. Where appropriate, apprehend offenders and participate in subsequent court proceedings,

Identify problems that are potentially serious law enforcement or governmental related,

Provide other police services to the community.

In order to achieve the above objectives, the department stands committed to:

Provide a continual training program to ensure professional competence and development of personal and organizational discipline in order to carry out Departmental goals and objectives,

Recognize the importance of planning functions to develop programs that will address major goals and objectives of the department,

Cooperate with related public and private agencies in pursuit of their major goals,

Emphasize a continual willingness to study and initiate new and better police services for the community.

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STANDARD OF CONDUCT

106.1 LAW ENFORCEMENT CODE OF ETHICS

"As a law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule, develop self restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept 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 before God to my chosen profession, law enforcement."

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Eau Claire Police Department. There are four divisions and one bureau in the Police Department:

- Administration Division
- Patrol Division
- Detective Division
- Communications Center
- Special Services Bureau

200.2.1 ADMINISTRATION DIVISION

The Administrative Division is commanded by the Director of Adminstration, whose primary responsibility is to provide general management, direction and control for the Administrative Division, including management of the Department budget and the designation of the custodian of records. The Administration Division consists of records, court officer, and property.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol , which includes Traffic ,patrol investigator, community service officers, police chaplains, and K9.

200.2.3 DETECTIVE DIVISION

The Detective Division is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Detective Division. The Detective Division consists of the Detective Division, Computer Forensics, and Forensic Services.

200.2.4 COMMUNICATION CENTER

The Communication Center is commanded by the Communication Center Director, whose primary responsibility is to provide general management, direction and control for the Communication Center. The Communication Center consists of dipatchers and supervisors. The Communication Center is responsible for dispatching services to all of Eau Claire County emergency service agencies.

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200.2.5 SPECIAL SERVICES DIVISION
The Special Services Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general

management, direction and control to the division. The division consists of the Training Technician, Safety

Education Officer, Community Relations Officer and the Crime Analyst.

200.3 COMMAND PROTOCOL
The ranks in the Eau Claire Police Department in descending order are as follows:

Chief

Deputy Chiefs

Lieutenants

Sergeants

Police Officers

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 Deputy Chief 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) Patrol Deputy Chief

(b) Detective Deputy Chief

(c) Special Services Lieutenant

(d) Patrol Lieutenant

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., K9, TRT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS
No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does

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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.

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Department Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

Any Departmental Directives 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 Departmental Directive for the year 2012.

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

201.2.2 CHIEF OF POLICE

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

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

All employees are required to read and obtain necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Technician.

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

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

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

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated on the order of the official designated by local ordinance.

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF THE PLAN

The Emergency Operations Plan is available from the Risk Manager's office.

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

202.4 UPDATING THE PLAN

The Risk Manager shall review and update the Emergency Operations Plan when necessary to ensure it conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS), and that any needed revisions are appropriately addressed.

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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 Training Technician 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 Training Technician shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of sworn officers or hiring of civilian employees.

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

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203.4.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once depending upon position and rank).

(b) State-mandated training (Wis. Stat. § 165.85(1); Wis. Admin. Code Chapter LES 3):

1. Sworn members of the Department must successfully complete basic preparatory training before being granted certified status and performing the duties of a peace officer (Wis. Admin. Code LES § 3.01).
   (a) The basic training requirement may be waived if the employee has been granted a waiver from the LESB for completing the training in another state (Wis. Admin. Code LES § 3.05(7)).
2. Sworn members of the Department shall complete a minimum of 24 hours of annual recertification training (Wis. Stat. § 165.85(4)(bn)).
   (a) An officer who fails to complete required annual recertification training may be subject to decertification (Wis. Admin. Code LES § 6.03).
3. Pursuit standards, guidelines and driving techniques (all sworn employees every two years).
   (a) Four hours required biennially from curricula based upon model standards promulgated by the LESB (Wis. Stat. § 165.85(4)(bn)1m.).
4. Annual completion of any additional training required by LESB.

203.4.2 DEPARTMENT TRAINING REQUIREMENTS
Training requirements include, but are not limited to the following:

(a) CPR/First-aid refresher (every two years)

(b) Firearms training (all sworn employees quarterly)

(c) Defense and arrest tactics (DAAT) (all sworn employees yearly)

(d) TASER Device, impact weapon, chemical weapon or other control devices (biennally)

(e) Prior to the carry of a firearm sworn officers shall complete the 24 hour transition training.

(f) Search, seizure and arrest (all sworn employees yearly)

203.5 TRAINING NEEDS ASSESSMENT
The Special Services Bureau will conduct an annual training needs assessment. The training needs assessment report will be provided to the Chief of Police and staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the next year.

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203.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Sick leave
3. Physical limitations preventing the employee's participation
4. 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. Notify the Training Technician of the absence.
3. Make arrangements through his/her supervisor and the Training Technician to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Eau Claire Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Lieutenant of Special Services.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Lieutenant of Special Services. 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.

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 take 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.

203.8 TRAINING RECORDS

The Training Technician is responsible to manage and distribute training records in compliance with the Training Files section in the Personnel Files Policy.

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203.9 POLICE TRAINING OFFICER PROGRAM

The Police Training Officer supervisor shall establish a police training officer 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 Police Training Officers (PTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of PTO personnel to provide for the objective evaluation of recruit performance.

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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. It is to be used in accordance with generally accepted business practices and current law (e.g., Wisconsin Public Records Laws). Messages transmitted over the e-mail system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Department.

204.2 E-MAIL RIGHT OF PRIVACY

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

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

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

204.3 PROHIBITED USE OF E-MAIL

The department e-mail system shall not be used for personal purposes unless that use is authorized in writing by the Chief of Police.

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

E-mail messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users.

Any email that is addressed to the entire department must be approved by supervisor prior to being sent.

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Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from the Chief of Police or a Deputy Chief. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's e-mail, name and/or password by others.

204.4 E-MAIL RECORD MANAGEMENT

E-mail may, depending upon the individual content, be a record under the Wisconsin Public Records Laws and must be managed in accordance with the organization's adopted records retention, archiving and destruction policy in compliance with state law (Wis. Stat. § 19.31 - 19.39).

The City Information Services Department shall ensure that e-mail messages are retained as outlined in the Records Release and Security Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

Memorandums 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. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

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 Deputy Chief.

205.5 OTHER COMMUNICATIONS

Departmental Directives 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 Deputy Chief.

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Retired Officer Carrying Concealed Weapons

206.1 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 Eau Claire 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).

206.1.1 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 (including a former federal law enforcement officer) 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.

206.2 POLICY

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

206.3 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.

206.3.1 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.

206.4 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).

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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.

206.5 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.

206.6 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.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

300.2 POLICY

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

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

The 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

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

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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.

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 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (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.

(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.

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(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 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

(d) The severity of the alleged crime.

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

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(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 serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death 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:

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1. 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.
2. 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.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES
An officer intending to use deadly force must reasonably believe all of the following criteria of "imminent threat" are present:

- INTENT: The displayed or indicated intent to cause great bodily harm or death to you or another person, and;
- WEAPON: A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon), and;
- DELIVERY SYSTEM: The delivery system for utilization of that weapon. The subject must have a means of using the weapon to inflict harm.

300.4.2 TARGET REQUIREMENTS
When an officer has determined that deadly force is necessary and all other reasonable alternatives having been precluded, the officer must fulfill certain "target requirements." These include the following:

- TARGET ACQUISITION: Does the officer have a target?
- TARGET IDENTIFICATION: Even if the target has been "acquired," the officer cannot shoot until the target has been identified as an individual placing the officer and/or others in "imminent danger", and;
- TARGET ISOLATION: The officer must make every reasonable effort to isolate the target from other innocent persons. An exception to the target isolation requirement arises when withholding the application of deadly force results in a greater danger than the use of deadly force itself.

300.4.3 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective. Officers should attempt if possible to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

300.5 REPORTING THE USE OF FORCE
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related

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purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 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.

(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.

300.6 MEDICAL CONSIDERATION
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 if requested. 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

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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.

300.7 SUPERVISOR RESPONSIBILITY

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.

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

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

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

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force. Use of force reports are reviewed by first line supervisors reading the initial reports.

If further inspection is necessary the reports are forwarded to the Force Options Coordinator for his/her review.

301.2 POLICY

The Eau Claire Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 OFFICER INVOLVED DEATH OR SERIOUS INJURY

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed on a special assignment for a minimum of one day. The Chief of Police may exercise discretion and choose not to place an employee in a special assignment in any case.

301.4 REVIEW BOARD

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Lieutenant of Special Services will convene the Use of Force Review Board if there are cases which need review as seen by the Force Options Coordinator. It will be the responsibility of the Force Options Coordinator to notify the Lieutenant of Special Services of any incidents requiring board review. The Lieutenant of Special Services will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Lieutenant of Special Services Bureau should select four Use of Force Review Board members from the following, as appropriate:

- A member of supervision
- A Local 9 member
- A member of the Force Options Team
- A member of the firearms training program

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The Lieutenant of Special Services will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

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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 Eau Claire 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 Eau Claire 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.

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.

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

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

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

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

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

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should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood if possible.

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) a supervisor should 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 attempt to not allow him/her to lay on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be monitored by an officer while in the leg restraint. The officer should attempt to 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).

302.7.2 EXCITED DELIRIUM (DRUG INDUCED PSYCHOSIS)

Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. A person experiencing Excited Delirium is in a life threatening state and urgently requires medical attention. Excited Delirium is a state of extremely agitated behavior recognized by some of the following:

- Extreme paranoia, delusions of persecution and hallucination
- Incoherent yelling and screaming
- Aggression toward objects, especially glass, and other people
- Disrobing, running and hiding
- Extreme physical strength and violent resistance
- Hyperthermia, causing profuse sweating

These behaviors can be caused by large amounts of adrenalin and other chemicals having been released into the body. The effect of these chemicals on the human body is to constrict the blood vessels in the heart and brain, during a time of high oxygen demand. The risk of sudden death (restraint asphyxiation) increases, especially when the subject is restrained in a prone position.

Officers should differentiate between someone exhibiting purely criminal behavior and those having a behavioral illness with criminal features. The following procedures are for control of individuals displaying behavior consistent with drug-induced psychosis/excited delirium.

- Call for medical assistance immediately.
- Then gain control quickly with reasonable force. Be aware that prolonged physical confrontations increase the risk of sudden death.
- Once controlled and restrained, place the individual in a seated position that will allow them to breathe freely. AVOID PLACING THEM IN A PRONE POSITION. Closely monitor for medical needs, repeating efforts to calm the subject with conversation. A sign of medical emergency may exist if the subject becomes quiet.
- Feet may be secured together for safety reasons. Feet will NOT be secured to the hands, a position commonly referred to as hog-tying.

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- A subject that appears to be suffering from drug-induced psychosis/excited delirium should be transported to the closest emergency room by fire ambulance. Ambulance personnel should be advised of the nature of the case and reminded of the need for transport in a seated position. An officer will ride in the ambulance to assist if requested.
- A complete report detailing use of force and all other relevant information will be completed.

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.

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Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

303.4 RESPONSIBILITIES

303.4.1 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 ARMORER RESPONSIBILITIES

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

Every control device will be periodically inspected by the less lethal coordinator or the designated instructor for a particular control device.

303.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the respective coordinator for disposition.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the shift supervisor, Incident Commander or Tactical Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

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

303.7.2 PEPPER PROJECTILE SYSTEMS

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

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

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

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

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(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES

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

303.10 TRAINING FOR CONTROL DEVICES

The less lethal coordinator 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.

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(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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

304.3 ISSUANCE AND CARRYING TASER DEVICES

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

TASER Devices are for use during a member's current assignment.

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. Non-uniformed officers may secure the TASER Device on their belt with an approved holster. Members carrying the TASER Device should perform a spark test on the unit prior to every shift.

When carried while in uniform or non-uniformed, officers shall carry the TASER Device in a weak-side holster on the side opposite the duty weapon.

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

(b) Officers shall be responsible for ensuring that the TASER Device they are carrying is in good working order.

(c) 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 can 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 an attempt to gain compliance prior to the application of the

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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 shall be documented by the officer deploying the TASER Device in the related report.

304.5 USE OF THE EMDTDEVICE

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 EMDTDEVICE

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 violent or is physically resisting.

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

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) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) 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.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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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 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.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER Device discharges. The cartridge and probes should be collected and thrown away in appropriate refuse areas.

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.

304.6 DOCUMENTATION
Officers shall document all TASER Device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

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

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(e) Any known or suspected drug use, intoxication or other medical problems

304.7 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER Device may be used. When possible a supervisor should respond to incidents where the TASER Device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER Device.

304.8 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 for a period of one year or more shall be recertified by a department-approved TASER Device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER Devices should occur every other year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Taser Coordinator. 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.

The Taser Coordinator is responsible for ensuring that all members who carry TASER Devices have received initial and bi-annual proficiency training. Periodic audits should be used for verification.

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

The Taser Coordinator 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 accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER Device and transitioning to other force options.

(f) De-escalation techniques.

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(g) Restraint techniques that do not impair respiration following the application of the TASER Device.

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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 TYPES OF INVESTIGATIONS

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

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

305.3 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.

305.3.1 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 Eau Claire Police Department would control the investigation if the suspect's crime occurred in the City of Eau Claire.

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.

305.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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involved, the criminal investigation will be handled according to the Criminal 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.

305.3.3 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.

305.4 INVESTIGATION PROCESS

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

305.4.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved ECPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer 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.

305.4.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved ECPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

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

(b) If necessary, the supervisor may administratively order any ECPD 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.

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(c) Provide all available information to the Shift Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional ECPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved ECPD officer should be given an administrative order not to discuss the incident with other involved officers or ECPD members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.4.3 WATCH COMMANDER RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Shift Commander. All media inquiries should be directed to the the shift commander until that responsibility can be de

305.4.4 NOTIFICATIONS

The following persons shall be notified:

<u>Mandatory notifications:</u>

- Chief of Police
- Detective Deputy Chief
- Patrol Deputy Chief
- Lientenant of Special Services (PIO)
- Director of Administration
- Director of Communications Center
- Chief of Police Assistant

<u>Other notifications to consider:</u>

- Use of Force Coordinator
- Outside agency investigators (if appropriate)
- City Risk Manager
- Psychological/peer support personnel
- Chaplain

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- Records technician
- Medical Examiner (if necessary)
- Officer representative (if requested)

305.4.5 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 ECPD 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-ECPD 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 ECPD officer. A licensed psychotherapist may also be provided to any other affected ECPD 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 ECPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Commander to make schedule adjustments to accommodate such leave.

305.5 CRIMINAL INVESTIGATION

In the event of an officer involved death the Eau Claire Police Department will request a team of investigators consisting of three individuals, two of whom must be from an agency that does not employ an officer involved in the death being investigated, to investigate the officers' actions

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relating to the death. One agency will be appointed the lead investigative agency by the Chief of Police or his/her designee.

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 ECPD (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) Supervisory personnel should not participate directly in any voluntary interview of ECPD 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) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

(e) An Eau Claire Police Department supervisor will be assigned as a liaison to the investigators from the lead investigating agency.

The Deputy Chief of Detectives should assign investigators from the Eau Claire Police Department to investigate the suspect's actions.

305.5.1 REPORTS BY INVOLVED ECPD OFFICERS

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

While the involved ECPD 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

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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 ECPD 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.

305.5.2 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.

305.5.3 INVESTIGATIVE PERSONNEL

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

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

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305.6 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 ECPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Deputy Chief or his/her designee 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 shall be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer or a court order, such samples shall not be submitted for analysis. At the conclusion of the investigation of the death, the sample may be destroyed if a court approves.

(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 Supervisor shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

(6)Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7 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.

305.8 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 Chief of Police or his/her designee.

305.9 DEBRIEFING

Following an officer-involved shooting or death, the Eau Claire Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

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305.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

305.9.2 TACTICAL DEBRIEFING

A tactical debriefing should be considerred 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.

305.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Detective Deputy Chief, Director of Administration and Records Technician in the event of inquiries from the media.

No involved ECPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Deputy Chief.

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.

305.11 REPORTING

If the death of an individual occurs in the Eau Claire Police Department jurisdiction and qualifies to be reported to the state Office of Justice Assistance, the Director of Administration will meet the reporting requirements (Wis. Stat. § 16.964(2)).

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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 a firearm 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 AUTHORIZED FIREARMS

No duty firearms will be carried that have not been thoroughly inspected by a firearms instructor during a transition training. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not demonstrated proficiency in the use of that firearm at an authorized department range.

The following firearms are approved for on-duty use by patrol officers and detectives of this department:

- Glock .40SW Model #23 & #22
- DPMS .223 rifle
- Remington 870 12 guage shotgun

The Tactical Response Team is authorized to utilize other specialty weapons associated with their team. These weapons must be approved by the Tactical Team Coordinator.

Other weapons will be authorized on case by case basis as necessary for undercover or plain clothes operations.

306.3 SHOTGUNS AND RIFLES

- Shotguns and rifles, transported in police vehicles, shall be secured in the mounting brackets provided, with actions in the squad ready position, chamber empty, and the safety on. An exemption is granted to members of the Tactical Response Team if they are conducting a training session or are on a call-out, except that the safety should be kept on.
- Officers using vehicles equipped with locking front seat mounting brackets shall be responsible for ensuring that the shotgun and rifle in their vehicle are serviceable and loaded properly.
- Shotguns and rifles may be removed from police vehicles and a round chambered only when an officer reasonably believes the potential for the authorized use of deadly force exists.
- Shotguns and rifles, transported outside of police vehicles within a department facility, shall be unloaded, with the action open and the safety on.

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306.4 AUTHORIZED AMMUNITION AND OTHER WEAPONS

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

306.4.1 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) 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.

(e) The handgun shall be inspected by a firearms instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) 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.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the firearms committee who shall maintain a list of the information.

306.4.2 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) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

    1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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(c) It will be the responsibility of the member to submit the firearm to a firearms instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the firearms committee.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to a firearms instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the firearms committee, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Eau Claire identification cards under circumstances requiring possession of such identification.

306.4.3 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by a member of the firearms committee 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.

306.5 EQUIPMENT

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

306.5.1 HOLSTERS

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

306.6 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 firearms instructor . Members shall not dry fire or practice quick draws except under firearms instructor supervision.

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(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer 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.

306.6.1 STORAGE AT HOME

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

306.6.2 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)).

306.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are minimally required to successfully complete training with their duty firearms and shall meet or exceed the standards set by the Wisconsin Law Enforcement Standards Board (Wis. Stat. § 165.85). Training and qualifications must be on an approved range course.

In addition officers are requred to successfully complete a minimum of six shoots per year at a rate not to excee

(a) Officers must successfully complete at least one shoot per quarter. (Once every three months starting in J

(b) Officers must successfully complete at least one night shoot per year.

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(c) Officers must meet the training objectives for the course of fire.

Officers who are on light duty status must meet wiht the Firearms Coordinator to establish a monthly qualificatio

306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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

306.8 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Deputy Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.8.1 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.

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306.8.2 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.

306.8.3 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.

306.9 OUTDOOR RANGE FACILITY

- The outdoor range is located on land owned by the City of Eau Claire. Unauthorized use of this facility or its property is prohibited.
- The Eau Claire Police Department outdoor firearms training facility may be utilized for firearms training by any authorized person. Use of this facility for any other purpose must have prior approval of the Chief of Police or City Manager.
- Authorized Users of the Outdoor Firearms Range include:
  - Eau Claire Police Department Employees
  - Eau Claire Pistol Club Members
  - An Agency, Institution, or Organization that has completed and submitted the following to the Chief of Police:
    - Letter requesting permission
    - Signed indemnification agreement and hold harmless clause provided by the City of Eau Claire
    - Certificate of insurance
  - Guests who are accompanied by an authorized user.
- Activities at the outdoor range must be coordinated with the supervisor of the Special Services Bureau or designee. A key for the range is available to be signed out at the police department for authorized users.
- During departmental shoots and in-service range activities, the designated range instructor is in charge of the facility and personnel present.

306.9.1 USE OF THE OUTDOOR FIREARMS RANGE

- The outdoor firearms range can be utilized seven days a week from 0600hrs to 2300 hrs.
- Any time that firearms are being discharged at the outdoor range, two persons shall be present. A phone is available in the event of an emergency. The second person present must

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be of sufficient age to contact the communications center in the event of such an emergency. The appropriate emergency numbers are located above the telephone.

- Members, agents, officers, representatives, employees or invitees are NOT to take part in, or are allowed to fire or handle ANY weapons, or partake in the operation/maintenance of the range, in any form, if that individual is impaired due to alcohol (with a blood alcohol concentration in excess of .00 percent), drugs, or other reason that would create an unsafe environment.
- Ordnance training other than "normal" firearms training, i.e., explosives, gas munitions, etc., must have prior approval of the Chief of Police or designee.

306.9.2 SAFETY REQUIREMENTS

- It is required that all persons in close proximity to the outside firearms range firing line, wear ear and eye protection, and body armor. Protective equipment will be available at the range.
- Any injury that occurs while using the outdoor range, the following shall apply:
  - Render all necessary medical assistance.
  - Notify the Range Officer or Patrol Commanding Officer as soon as possible.
  - Full written statements by all involved parties must be provided detailing all information surrounding the incident.
- When loading or unloading a firearm inside the range house, a weapon discharge containment system (i.e. sand barrel, bullet trap) must be utilized.
- Any unwanted/accidental weapon discharges must be reported as soon as practical to the Range Officer or Patrol Commanding Officer.
- All persons present at the outdoor firearms range are subject to the Eau Claire Police Department Firearms Policy.

306.10 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 Eau Claire 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

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photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Eau Claire Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the 's travel. If approved, TSA will send the Eau Claire 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.

(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.

306.11 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 Eau Claire 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.

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

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

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

307.1.1 PHILOSOPHY

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

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

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is attempting to avoid arrest 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.

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

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

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

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

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.

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(f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources.

(l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, after receiving supervisor approval, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

(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.

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(c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

(f) The hazards to uninvolved bystanders or motorists.

(g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).

(h) When directed to terminate the pursuit by a supervisor.

(i) When it is necessary to stop to render aid to an injured person and no other officer is available to do so (Wis. Admin. Code LES § 3.07(1)(c)5).

307.3.3 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

307.4 PURSUIT UNITS

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

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

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

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307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.2 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

(d) The description of the fleeing vehicle and license number, if known.

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

(d) Serving as backup to the primary unit once the subject has been stopped.

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307.4.4 PURSUIT DRIVING TACTICS

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat § 346.03(2)(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.

(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.

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. 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. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Officers not involved in the pursuit should ready themselves for possible involvement in the pursuit by placement of stop sticks if the pursuit comes through their area.

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

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point for officer safety reasons. If officer safety concerns are present the officers can respond in emergency mode.

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

307.4.6 PURSUIT TRAILING

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

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

307.4.7 STEPS TO TERMINATE A PURSUIT

Termination of a pursuit needs to include all of the following:

(a) Pull off to the side of the road and come to a complete stop.

(b) Communications center will be advised of the termination of the pursuit.

(c) The specific location of the termination point will be given to the communications center.

(d) All emergency equipment will be turned off unless safety considerations dictate otherwise.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

(a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Communications Center 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.

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(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.

(h) Control and manage ECPD units when a pursuit enters another jurisdiction.

(i) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

307.5.1 SHIFT COMMANDER RESPONSIBILITIES

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

The shift supervisor shall review all pertinent reports for content and forward them to the Deputy Chief.

307.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be moved to Law 3 radio channel unless instructed otherwise by a supervisor or communications dispatcher.department

307.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Center will be responsible for:

(a) Coordinating pursuit communications of the involved units and personnel.

(b) Notifying and coordinating with other involved or affected agencies as practicable.

(c) Ensuring that a field supervisor is notified of the pursuit.

(d) Assigning an incident number and logging all pursuit activities.

(e) Broadcasting pursuit updates as well as other pertinent information as necessary.

(f) Notifying the shift supervisor as soon as practicable.

307.6.2 LOSS OF PURSUED VEHICLE

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

307.7 INTERJURISDICTIONAL CONSIDERATIONS

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

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307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Eau Claire Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Eau Claire 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.

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 peace officers are in pursuit and with supervisor approval. 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. The intent of this exception is for officer safety purposes.

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

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing officers

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

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

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

307.8 SECTION TITLE

307.9 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.

307.9.1 WHEN USE IS AUTHORIZED

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

307.9.2 USE OF FIREARMS

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

307.9.4 CAPTURE OF SUSPECTS

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

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

307.10 REPORTING AND REVIEW REQUIREMENTS

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

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(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The supervisor shall complete the appropriate pursuit report.

(c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the EVOC coordinator or the authorized designee. This memo 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
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 EVOC coordinator 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 EVOC coordinator or the authorized designee shall direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, policy modification and training needs (Wis. Stat. § 346.03(6)).

(f) The field supervisor who monitored the pursuit 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 the same day as the pursuit.(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.

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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.

307.10.1 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(4)(bn)1m; Wis. Admin. Code LES § 3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

307.10.2 POLICY REVIEW

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

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Officer Response to Calls

308.1 PURPOSE AND SCOPE

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

308.2 RESPONSE TO CALLS

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

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

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

308.3 RESPONSIBILITIES OF THE RESPONDING OFFICER

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

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

(a) Disregard regulations governing stopping, parking or standing when using a red or red and blue flashing, oscillating or rotating light.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

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

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

308.3.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

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

(a) The officer is obtaining evidence of a speed violation.

(b) The officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes that knowledge of the officer's presence may:

1. Endanger the safety of a victim or other person, or
2. Cause the suspected violator to evade apprehension, or
3. Cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony, or
4. Cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

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

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

308.3.2 NON-COMMISSIONED MEMBERS OF THE DEPARTMENT

Non commissioned members of the department may operate Police Department vehicles only as authorized by the Chief of Police. Although non commissioned members of the department shall, for the protection of the public, operate the emergency lights of a police vehicle if it becomes necessary to stop, stand or park contrary to the rules of the road (e.g., to protect persons and vehicles at an accident scene or at the location of a traffic hazard until an officer's arrival), they are never authorized to operate the vehicle's emergency lights and/or siren to exceed the speed limit, to operate contrary to regulations governing direction of movement, or turning, or to pass through a stop sign or signal.

308.4 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the

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public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(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 supervisor.

308.5 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The supervisor 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 making the decision to continue an emergency response, the supervisor should consider the following:

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

308.6 FAILURE OF EMERGENCY EQUIPMENT

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

The officer shall notify their supervisor and the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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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 Eau Claire 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 CANINE COORDINATOR

The canine unit coordinator shall be appointed by the staff and shall supervise the canine program. The canine unit coordinator is directly responsible to the Patrol Deputy Chief. The canine unit coordinator shall be responsible for, but not limited to:

(a) Ensure all handlers complete the assigned basic training program.

(b) Review canine officer's monthly reports and maintain records of same (4-3203.1(e))

(c) Be responsible for all records on the canine program, i.e., selection, handler training, monthly evaluation, activities, arrests and apprehension. These records should be on file and available for inspection.

(d) Ensure required maintenance training is conducted.

(e) Act as liaison to department supervisors and personnel for the canine unit. Liaison duties would consist of apprising departmental personnel of the activities and capabilities of the unit as well as seeking input for improvement of canine services to the department.

(f) Assign public relations duties.

(g) Conduct required kennel and vehicle inspections.

309.4 REQUESTS FOR CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Division shall go through the canine unit coordinator, shift supervisor, or the Deputy Chief of Patrol.

309.4.1 OUTSIDE AGENCY REQUEST

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

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(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.4.2 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 handler is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers should not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.4.3 EMPLOYEE CONDUCT

(a) No members of the department will touch, handle or pet the police canine unless given permission by the handler.

(b) Personnel shall not tease, agitate, or harass the police canine.

(c) Members of the department shall refrain from horseplay with other personnel or the handler when the police canine is present. Do not make aggressive gestures towards the handler.

(d) If a working canine (for example, an actively tracking, scenting, or apprehending canine) approaches an employee, the employee should stand still.

309.5 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

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

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

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

309.5.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

309.5.2 WARNING AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should 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.

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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.

309.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in 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 and/or an on duty supervisor. 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).

309.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

(a) Absent a change in circumstances that present an immediate threat to officers, the canine or the public, such applications should be conducted on-leash or under 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 commands that encourage the individual to make him/herself known.

(d) Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

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309.6.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

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

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

309.6.3 BOMB/EXPLOSIVE DETECTION
Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.7 HANDLER RESPONSIBILITIES
The handler(s) shall perform general duties except when their services are required for special details or training.

(a) On Duty Assignments - The canine unit may be assigned to or respond to any incident where the unit could be of assistance. Examples include but are not limited to the following:

    1. Burglary in progress calls, intrusion and/or robbery alarms, events in progress or that have just occurred.

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2. Felony or misdemeanor crimes where the suspect has fled on foot and a need for tracking exists.
3. Drug searches for canine units certified in this field.
4. Building or area searches for suspects.
5. Searches for evidence or discarded contraband.
6. Searches for lost or missing persons.
7. Bomb searches for units qualified in this field.
8. Department training presentations.
9. Public relations.

(b) The canine officer may not always be dispatched or requested by Patrol to respond to calls like the aforementioned. It is, therefore, imperative that the canine officer monitor calls being dispatched in the city and respond to any situations where the canine unit may be of assistance. The canine officer shall notify the Communications Center of the assist, prior to their arrival.

(c) The canine officer will notify the Patrol supervisor and Communications Center of scheduled on-duty training and the location. Patrol supervisors will only clear the canine officer from training in the event of necessity.

(d) The canine unit shall not be used for the following situations:

1. To search for other animals.
2. To control a crowd, with the exception of situations where it is immediately imperative to prevent death or serious bodily harm to individuals.
3. To perform breeding services except as approved by the Chief of Police.
4. To accomplish any application where a strong potential exists for discrediting the Eau Claire Police Department and the canine unit.
5. To be entered in any show or trial without the Chief of Police's prior approval.
6. Be assigned a call that leaves the Canine unsupervised for an extended time or causes the team to be unavailable for call.

(e) The canine handler(s) shall maintain accurate and up-to-date records in the following areas:

(a) Training records.
(b) Medical and health records.
(c) Performance records.

309.7.1 CANINE IN PUBLIC AREAS

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

(a) A canine shall not be left unattended in any area to which the public may have access.

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(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.

309.7.2 AVAILABILITY

The handler may be available for call-out under conditions specified by the canine unit coordinator.

309.7.3 CARE FOR THE CANINE AND EQUIPMENT

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

(a) Unless required by a particular application, the handler 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.

(c) Handlers shall permit the canine unit coordinator to conduct spontaneous on-site inspections of affected areas of their residence, as well as the canine unit, 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 unit coordinator as soon as possible.

(e) When off-duty, canines shall be maintained in kennels provided by the City at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured.

(f) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. The handler shall make the appropriate arrangements.

(g) The City of Eau Claire shall provide:

1. Food and veterinarian care.
2. All other necessary equipment for training and patrol duties as deemed necessary by the department through the usual process.

(h) An off duty canine handler may use the department canine vehicle as long as they are performing canine duties and the handler is prepared to respond to calls if needed. Any passenger, other than the canine, must abide by the department policy concerning use of seat belts.

309.8 DISPOSTION OF CANINES

Whenever a dog is removed from active service except for illness, viciousness, or some similar situation, the dog will be offered to the handler.

(a) If the dog is to be released from its canine assignment, the new owner will be required to sign a waiver of legal liability, releasing the City of Eau Claire, the City of Eau Claire Police

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Department, and departmental personnel from all liability or responsibility for anything which concerns the dog from that day forward.

(b) The new owner receiving the dog must, as a condition of their receipt of the dog, immediately re-license the dog in the new owner's name at their expense.

(c) All pedigree papers will be given to the new owner receiving the canine.

In the event of the death of the canine, the following procedures will be followed:

(a) The supervisor will be immediately notified.

(b) The veterinarian and/or District Attorney's office will be contacted to determine whether an autopsy is necessary and if so, where the canine should be transported.

(c) If no autopsy is necessary, the handler shall make arrangements with the veterinarian for proper disposal.

309.9 CANINE INJURY AND MEDICAL CARE

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

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

309.10 TRAINING

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

The canine handler should schedule periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Commander.

309.10.1 CONTINUED TRAINING

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

(a) Canine teams should receive training as defined in the current contract with the Eau Claire Police Department canine training provider.

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(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.

309.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

309.10.3 TRAINING RECORDS

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

309.10.4 TRAINING AIDS

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

309.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

309.10.6 CONTROLLED SUBSTANCE PROCEDURES

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

(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

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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 Property and Evidence Section 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.

309.11 SELECTION OF CANINE HANDLERS

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

(a) Officers shall have a minimum of two years law enforcement experience with the Eau Claire Police Department

(b) Officers shall be volunteers.

(c) The officer's residence shall be capable of housing the canine and have adequate space for the construction of a kennel. The officer will be required to house the canine at their residence.

(d) In the event the officer does not own the property, the officer shall obtain written permission from the property owner for the housing of the canine.

(e) Any officer selected for the position of canine handler should expect to remain in the canine unit for the working life of the dog.

(f) The officer shall be in good health and not suffer from serious medical problems and must be strong enough to withstand the dog handling, training, and work conditions.

(g) The officer shall have family in agreement with their being assigned to the canine unit.

(h) If there are other pets in the home, the officer shall agree that if conflict occurs between the department's animal and the pet, that the pet must be removed from the home.

(i) The officer shall understand and embrace the canine unit's mission and philosophy.

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Domestic Abuse

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

310.2 POLICY

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

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or on-going domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities.

(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.

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(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. Victims whose injuries are not visible at the time of the incident should be asked to recontact the police department 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 about 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.
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:

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(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.

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 a report.

310.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic abuse information handout, even if the incident may not rise to the level of crime.

1. Providing information regarding the availability of shelters and services and notice of legal rights is mandatory when there is reasonable grounds to believe that a person is a domestic abuse victim (Wis. Stat. § 968.075).

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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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.

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

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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 to a person arrested 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).

(d) An officer with probable cause to believe that a person has violated a court order in violation of Wis. Stat. § 813.12 shall arrest and take the person into custody (Wis. Stat. § 813.12(7)).

(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

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

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310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE

Unless there is a signed waiver by an alleged victim, any employee of the Eau Claire 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.

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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 Eau Claire Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Eau Claire 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.

In accordance with the Training Policy, 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.

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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.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.

311.5 DOCUMENTATION

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

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

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

311.5.1 PAROLE AND PROBATION SEARCHES

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

(a) Released under risk reduction sentence (Wis. Stat. § 302.043(4))

(b) Released to extended supervision under the challenge incarceration program, (Wis. Stat. § 302.045(3m)(e))

(c) Released after completing substance abuse program (Wis. Stat. § 302.05(3)(c)(4))

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(d) Mandatory release parole (Wis. Stat. § 302.11(6m))

(e) Released to extended supervision for felony offenders not serving life sentences (Wis. Stat. § 302.113(7r))

(f) Released to extended supervision for felony offenders serving life sentences (Wis. Stat. § 302.114(8g))

(g) Special action parole release (Wis. Stat. § 304.02(2m))

(h) Paroles from state prisons and house of correction (Wis. Stat. § 304.06(1r))

(i) Probation for a felony (Wis. Stat. § 973.09(1d))

311.6 JUVENILE SEARCHES

The Eau Claire Police Department will afford to juveniles the same rights afforded to adults.

311.6.1 SCHOOL SEARCHES

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

By police, without request of school authorities: A search of a student's person, student's property, or the student's vehicle on school property may be conducted by a police officer if there is "Probable Cause" that the search will yield contraband, evidence of a school rule violation, an ordinance violation, or a crime. The officer may also search if the officer has a valid search warrant, if the student consents to the search, if the student has been taken into custody (search incident to arrest), if stop and frisk circumstances exist, or if exigent circumstances exist. Search of vehicles may also include the Carole Doctrine and Plain View.

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Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Eau Claire 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:

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

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

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

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

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Eau Claire 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 Eau Claire 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.

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312.3.1 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 take the juvenile to a hospital or physician's office (Wis. Stat. § 938.20).

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

312.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Eau Claire Police Department without authorization of the arresting officer's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Eau Claire Police Department (42 USC § 5633; Wis. Stat. § 938.20).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Eau Claire Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent) or otherwise authorized under Wis. Stat. § 48.19 et seq. or Wis. Stat. § 938.19. Juvenile status offenders may not be held in secure custody (42 USC § 5633).

312.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Eau Claire Police Department.

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

(a) There is court order or warrant authorizing custody of the juvenile.

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

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

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

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

If the juvenile offender is not released, the officer who takes a juvenile offender into custody shall make a statement, in writing, with supporting facts, of the reasons why the juvenile was taken into custody and shall give a copy of the statement to the intake worker. If the intake interview is not done in person, the report may be read to the intake worker (Wis. Stat. § 938.20).

312.5 ADVISEMENTS

The officer who takes a juvenile offender into custody and makes a statement for the intake worker that is in writing, with supporting facts, of the reasons why the juvenile was taken into custody shall give a copy of the statement to a juvenile offender who is 10 years of age or older (Wis. Stat. § 938.20).

312.6 JUVENILE CUSTODY LOGS

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile law enforcement presence when contacting a student.

312.7 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.

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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 Eau Claire 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.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Eau Claire Police Department shall ensure the following:

(a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Eau Claire Police Department more than four hours. This will enable the Shift Commander to ensure no juvenile is held at the Eau Claire Police Department more than six hours.

(b) Personal visual checks and significant incidents/activities shall be noted in the officers report.

(c) Juveniles shall have reasonable access to toilets and wash basins.

(d) Juveniles shall have reasonable access to a drinking fountain or water.

(e) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(f) Juveniles should have privacy during family, guardian and/or lawyer visits.

(g) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(h) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

312.9 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 Eau Claire 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. 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.

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312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Eau Claire Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be secured. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Eau Claire Police Department.

312.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Eau Claire Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Detective Division supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City.

(e) Evidence preservation.

312.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Interviews of juveniles at schools should follow any protocols jointly developed with the local school officials and this department.

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Vulnerable Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of the abuse of a vulnerable person. It is the policy of the Eau Claire Police Department to treat reports involving at-risk adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

313.2 DEFINITIONS

Definitions related to this policy include:

Abuse - Includes any of the following (Wis. Stat. § 46.90):

- Physical abuse
- Emotional abuse
- Sexual abuse
- Treatment without consent
- Unreasonable confinement or restraint

At-risk adult - Any person age 18 to 59 who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation (Wis. Stat. § 55.01(1e)).

Adult at risk agency -The agency designated by the county board of supervisors to receive, respond to, and investigate reports of abuse, neglect, self-neglect, and financial exploitation (Wis. Stat. § 55.01(1f)).

Elder adult at risk - Any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation (Wis. Stat. § 46.90(1)(br)).

Emotional abuse - Language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed (Wis. Stat. § 46.90(1)(cm)).

Financial exploitation - Any of the following, including (Wis. Stat. § 46.90(1)(ed)):

(a) Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his/her will without his/her informed consent

(b) Theft, forgery or financial transaction card crimes

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(c) The substantial failure or neglect of a fiscal agent to fulfill his/her responsibilities

(d) Unauthorized use of an individual's personal identifying information or documents

(e) Unauthorized use of an entity's identifying information or documents

Neglect - The failure of a caregiver, as evidenced by an act, omission, or course of conduct to endeavor to secure or maintain adequate care, services or supervision for an individual, including food, clothing, shelter or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. Neglect does not include a decision medical care for an individual will not be sought if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order, a power of attorney for health care or as otherwise authorized by law (Wis. Stat. § 46.90(1)(f)).

Physical abuse - The intentional or reckless infliction of bodily harm (Wis. Stat. § 46.90(1)(fg)).

Self-neglect - A significant danger to an individual's physical or mental health because the individual is responsible for his/her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care (Wis. Stat. § 46.90(1)(g)).

Sexual abuse - Subjecting an individual to sexual contact of a type that would be considered a sexual assault in violation of Wis. Stat. § 940.225(1), (2), (3), or (3m) (Wis. Stat. § 46.90(1)(gd)).

Treatment without consent - The administration of medication to an individual who has not provided informed consent, or the performance of psychosurgery, electroconvulsive therapy, or experimental research on an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance (Wis. Stat. § 46.90(1)(h)).

Unreasonable confinement/restraint - The intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his/her living area, use on an individual of physical restraining devices, or the provision of unnecessary or excessive medication (Wis. Stat. § 46.90(1)(i)).

Vulnerable adult - Either an adult at risk or an elder adult at risk.

313.3 REPORTING REQUIREMENTS

If during the course of an investigation an officer has reasonable cause to believe that a vulnerable person has been abused, neglected, isolated or exploited by another person in a manner that constitutes a criminal offense under any law, the officer shall take a report and investigate as soon as reasonably practicable (Wis. Stat. § 46.90(4); Wis. Stat. § 55.043(1m)).

313.3.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for the following:

(a) Providing a copy of the vulnerable adult abuse report to the county office of Adult Protective Services or the appropriate county elder adult/adult-at-risk agency as required by state law.

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(b) Retaining the original vulnerable person abuse report with the initial case file.

313.4 OFFICER'S RESPONSE

All incidents involving actual or suspected abuse of a vulnerable person shall be responded to immediately, fully investigated and appropriately documented.

313.4.1 INITIAL RESPONSE

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected vulnerable person abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel is not already present.

313.4.2 NOTIFICATION

Whenever a report is taken, the officer shall notify the county Adult Protective Services or appropriate county elder adult/adult-at-risk agency as soon as possible and make information regarding the investigation available (Wis. Stat. § 46.90(3)(c); Wis. Stat. § 46.90(5); Wis. Stat. § 55.043(1g)(b)).

313.4.3 COURT ORDERS

In any situation where an officer reasonably believes that a vulnerable adult 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 shall contact the appropriate county Adult Protective Services or county elder adult/adult-at-risk agency and advise them of the situation and the need for a court order.

313.5 VULNERABLE ADULT ABUSE IN A CARE FACILITY

Officers shall investigate all allegations relating to the abuse, neglect or exploitation of an at-risk adult in a care facility or under the care of a facility. Officers shall immediately notify the proper county agency and advise them of the situation. The officer may also contact the Division of Quality Assurance, Office of Caregiver Quality at (608) 261-8319 or via e-mail at, DHSCaregiverIntake@wisconsin.gov .

313.6 ALLIED AGENCY INVESTIGATIONS

If a request is made by another law enforcement agency to assist with a vulnerable adult abuse investigation, this department will make a reasonable effort to provide assistance based upon available resources.

If the request to assist in an investigation is made by a county or state agency such as an elder adult/adult-at-risk agency, the officer shall provide assistance as requested or necessary (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)).

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313.7 STATE INFORMATION

To report the neglect, abuse or exploitation of either an adult at risk (18 to 59 years old) or an elder adult at risk (60 years of age or older), employees or the public may call the hotline in their county. Information may be found on the Internet at: http://www.dhs.wisconsin.gov/Aging/elderabuse/index.htm .

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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 Eau Claire 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.

314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in 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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314.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when (see also Wis. Stat. § 111.32(13)):

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

314.3.4 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 a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.5 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 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 City Manager.

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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 or counseling members or issuing discipline, in a manner that is consistent with established procedures.

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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 member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation (Wis. Stat. § 111.322(2m)).

Formal investigation of the complaint will be confidential to the extent possible and will include, but 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 City Manager.

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 City Manager 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.

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 City Manager for further information, direction or clarification.

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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 Eau Claire 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 Eau Claire 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 Eau Claire 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.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage and any other act as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide necessary care, food and clothing so as

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to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

315.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Wis. Stat. § 48.981):

(a) The handling officer should immediately make the notification to the appropriate county department or licensed child welfare agency by telephone or in person but in all cases before completing his/her shift and no later than 12 hours, exclusive of Saturdays, Sundays or legal holidays.

(b) 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.

(c) 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)).

315.4 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.

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.

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(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.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned officer shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).

(l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the appropriate county department or licensed child welfare agency. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the appropriate county department or licensed child welfare agency intake worker (Wis. Stat. § 48.981).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Wis. Stat. § 48.19):

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(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.

Officers are required to take children into custody in the circumstances described above (Wis. Stat. § 48.981(3)).

315.5.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian and 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).

315.5.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old to an officer when the parent does not express an intent to return for the child. The officer shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195(1)).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

The officer 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).

315.6 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.

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315.6.1 SUPERVISOR RESPONSIBILITIES
The Detective Division 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 Division 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.

315.7 STATE MANDATES AND OTHER RELEVANT LAWS
Wisconsin requires or permits the following:

315.7.1 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)).

315.7.2 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 Release and Security Policy (Wis. Stat. § 48.981(7)).

315.7.3 COURT ORDERS
Employees may assist or provide information to the child abuse victim's parent, guardian or custodian on how to obtain a restraining order or injunction issued by the court for the protection of the victim. Officers shall arrest for violations of child abuse restraining orders as mandated by Wis. Stat. § 813.122(10)).

315.7.4 MANDATORY COORDINATION
An officer investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

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315.7.5 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.

315.8 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.

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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. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) Are adults with a developmental disability, suffer from Alzheimer's disease or dementia, or suffer from or could, without access to medication, suffer from cognitive impairment if the impairment would likely render the person incapable of getting to a familiar location without assistance (Wis. Stat. § 175.51).

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, and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Crime Alert Network.

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316.2 POLICY

The Eau Claire Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Eau Claire Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

Patrol personnel should be assigned to handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary.

The handling officer shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. Initial investigation should include:

(a) Interviewing the persons who made the initial report, and if the missing person is a child, the child's parent or guardian.

(b) Determining when, where and by whom the missing person was last seen.

(c) Interviewing the individuals who last had contact with the person.

(d) Obtaining a detailed description of the missing person, abductor, vehicles and other pertinent information.

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.5 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 supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate, initiating a command post as needed.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

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The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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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, 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 Eau Claire Police Department should notify their supervisor, Shift Commander or Detective Division 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 Deputy Chief and the Records Technician 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 Deputy Chief

317.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

The Wisconsin AMBER Alert Plan is a voluntary partnership between law enforcement agencies and broadcasters to send out an emergency alert to the public when a child is abducted and is not used for cases that involve runaways or in most parental abduction cases unless the child’s life is in danger.

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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 Eau Claire 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:
   (a) Send a TIME system administrative message to statewide law enforcement agencies.

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(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

(d) A Child is Missing, www.achildismissing.org

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(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 Records Technician, Shift Commander or Detective 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 Records Technician 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 Records Technician 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.

(d) An e-mail address and fax number for use in the investigation of the abduction.

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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 Shift Commander or Detective Division 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 Deputy Chief 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).

317.5.1 CRITERIA
A Silver Alert should be issued when:

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(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).

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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 Eau Claire Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Eau Claire Police Department will show compassion and understanding for victims and witnesses and make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME 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.

318.3.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers shall ensure that the victim information handout is delivered to victims as soon as practicable but not later than 24 hours after initial contact with the victim (Wis. Stat. § 950.08(2g)).

Sex crime victims require additional actions as identified in the Sex Crime Victim's Rights Policy.

318.4 VICTIM INFORMATION

The Director of Administration shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic abuse.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) Resources available for victims of identity theft.

(h) A place for the officer's name, badge number and any applicable case or incident number.

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(i) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims which includes a list of victim's rights under Wis. Stat. § 950.04(1v).

318.5 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.

Officers may provide witnesses with a witness information handout explaining their rights pursuant to Wis. Stat. § 950.04(2w) when appropriate.

318.6 WITNESS INFORMATION

The Director of Administration shall ensure that witness handouts are available and current. The handout should include the rights of witnesses contained in Wis. Stat. § 950.04(2w).

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Bias-Motivated Crimes

319.1 PURPOSE AND SCOPE

The Eau Claire 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.

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319.4 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

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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 Eau Claire 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.

320.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in a position of authority absent a reasonable and bona fide justification.

An employee who believes any written or verbal order to be unlawful or in conflict with another order shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or their Lieutenant of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

(c) Request clarification, guidance and direction regarding following the order.

(d) Request the order in writing should the conflict or error be unresolved.

(e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

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(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.3.2 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.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Wisconsin Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Eau Claire Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non- department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

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.

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320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person 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 Eau Claire 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.

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320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any 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.

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(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.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency 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.

(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.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic crash.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Department Technology Use

321.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

321.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy that the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

321.2 DEFINITIONS

Definitions related to this policy include:

Computer system - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Eau Claire Police Department that are provided for official use by department employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers that is provided by or through the agency or agency funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

321.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on department computers or systems. A department supervisor or the authorized designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of any department policy, request for disclosure of data or a need to perform or provide an agency service.

321.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-department use without the express written authorization of an employee's supervisor.

321.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Department. If an employee must copy data onto a removable storage media and download it on a non-department computer, the employee shall scan the removable storage media for viruses before loading the data on a department computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises or on a department computer system. The Department and individuals can be subject to civil damages per title copied, along with criminal penalties, including fines and imprisonment.

321.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources, including Internet access provided by, or through, the Department, should be limited to department-related business activities. Data stored on, or available through, department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to department use and that shall not be intentionally accessed includes, but is not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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321.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

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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.

322.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

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.

322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

322.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documenting a report. The following are examples of required documentation:

(a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report

(b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher’s log

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(c) In every case where any force is used against any person by police personnel

(d) All incidents involving reports of domestic abuse

(e) All arrests

322.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic crashes above the minimum reporting level (see the Traffic Crash Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

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322.2.4 INJURY OR DAMAGE BY CITYCOUNTY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment.

322.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major/serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

322.3 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.

322.3.1 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should send the report back to the officer for correction, stating the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section 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 Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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News Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Deputy Chiefs, Patrol supervisors and the designated media relations officer may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, a reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

323.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. 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) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. 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

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operations. All information released to the media should be coordinated through the on scene supervisor or other designated spokesperson.

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the media relations officer.

323.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through a supervisor. 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 Chief's Staff (FAA) should be contacted (14 CFR 91.137).

323.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers 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 news 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 minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available to media representatives through the records division. This log will consist of data classified as public and should generally contain:

(a) The date, time, location, case number, type of crime, extent of injury or loss

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(b) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Records involving juvenile suspects may be released to the media for the purpose of reporting news without revealing the identity of the juvenile involved, or as otherwise authorized by law (Wis. Stat. § 48.396(1); Wis. Stat. § 938.396(1)(b)(1)).

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court or as allowed by state law.

Information concerning incidents involving persons whose identities are classified as private or confidential under state law shall be restricted from disclosure. Further detail is available in the Records Release and Security Policy.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or the notification is otherwise cleared through the Medical Examiner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated custodian of records. 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.

323.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Release and Security Policy and the Personnel Files Policy) (Wis. Stat. § 19.36). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (see the Personnel Files Policy).

  1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with Wisconsin Public Records Laws (Wis. Stat. § 19.35(1)(am)(1)).

(b) Criminal history information.

(c) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation (Wis. Stat. § 19.35(1)(am)(2)(a)).

(d) Information pertaining to the identity of confidential informants (Wis. Stat. § 19.35(1)(am)(2)(b)).

(e) Information pertaining to pending litigation involving this department.

(f) Information obtained in confidence.

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(g) Any information that is otherwise privileged or restricted under state or federal law.

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Court Appearance and Subpoenas

324.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

324.1.1 DEFINITIONS

Definitions related to this policy include:

On call - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Mandatory appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

324.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

324.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by (Wis. Stat. § 805.07; Wis. Stat. § 885.03):

(a) Delivering a copy of the subpoena to the employee.

(b) Delivering a copy to the employee's usual place of residency.

(c) Delivering a copy of the subpoena to the department court officer or a designee.

(d) Exhibiting and reading the subpoena to the employee.

(e) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

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324.2.2 VALID SUBPOENAS
No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

324.2.3 COURT STANDBY
To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or contact telephone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the court officer of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the District Attorney handling the case is the only person authorized to excuse an employee from standby status.

324.2.4 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for off-duty actions not related to their employment with the Eau Claire Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

324.2.5 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court (Wis. Stat. § 885.11).

324.3 CIVIL SUBPOENAS
The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current collective bargaining agreement. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses (Wis. Stat. § 885.07).

The Department will receive reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the employee.

324.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

324.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or the Department is not a party without properly posted fees pursuant to applicable law.

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324.3.3 WITNESS FEES

An employee appearing as a witness on behalf of the state in any civil action, matter or proceeding, on behalf of either party in any criminal action or proceeding, on behalf of a municipality in a forfeiture action or on behalf of an indigent respondent in a paternity proceeding shall be entitled to witness fees for one day's attendance and for travel. Such fees are not required to be paid in advance (Wis. Stat. § 885.06).

324.4 OVERTIME APPEARANCES

If the employee appears on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

324.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

324.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall review the guidance provided by the District Attorney, request a copy of the specified materials and become familiar with their content as directed in order to be prepared for court.

324.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

324.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking, chewing gum, or unnecessary use of electronic devices in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

324.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Wisconsin, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters

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(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters

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Mutual Aid and Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in requesting or responding to mutual aid and outside assistance requests involving another law enforcement agency (Wis. Stat. § 66.0313).

It is the policy of this department to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance (Wis. Stat. § 175.40(6)).

For purposes of civil and criminal liability, any peace 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)).

325.2 MUTUAL AID AGREEMENTS

The Department may, at the discretion of the Chief of Police, enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement may authorize the following (Wis. Stat. § 175.46):

(a) Law enforcement officers from another agency may act with some or all of the arrest and other police authority of an officer of this department (Wis. Stat. § 175.46(2)).

(b) Law enforcement officers from another agency may only enforce those laws or make arrests for violations that are similar to the types of laws that he/she is authorized to enforce violations for which he/she is authorized to make in his/her home jurisdiction (Wis. Stat. § 175.46(4)).

Any mutual aid agreement shall be written and may be on an individual case-by-case basis or may be a continuing agreement until terminated by either agency. At least 30 days prior to entering into a mutual aid agreement, this department shall submit a copy of the proposed agreement to the Wisconsin Department of Justice (WisDOJ) for review and comment. It is not necessary to have the consent of WisDOJ to enter into a mutual aid agreement. This department may revise the proposed agreement without having to resubmit the proposed agreement to WisDOJ (Wis. Stat. § 175.46(3); Wis. Stat. § 175.46(8)).

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from other agencies are routed to one of the Deputy Chiefs 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.

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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. There are some circumstances when this department will 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 Eau Claire Police Department personnel. The case number will be cross-referenced with the outside agency case number.

325.3.1 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.

(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.

325.3.2 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.

325.3.3 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 Deputy Chief of Patrol. The pre-approved list will be authorized only after meeting the requirements of Wis. Stat. § 66.0313(4).

325.4 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance should, if practicable, first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance. The

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handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies should so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

A resource to consider for obtaining mutual aid assistance could include the Wisconsin Emergency Response Plan (WERP) available at http://emergencymanagement.wi.gov/EFS/docs/WFSERP_v2_060109.pdf

325.4.1 ON DUTY RESPONSIBILITIES

1. If practical, all reasonable attempts shall be made by Eau Claire police officers to contact the other law enforcement agency, in said jurisdiction, and report what is being done or has been witnessed. If it is determined by the Eau Claire police officer that immediate intervention is necessary to protect life or prevent great bodily harm, or to act when it appears that a felony is being committed, the Eau Claire police officer may arrest a person, or provide aid or assistance anywhere in the State of Wisconsin, provided criteria are met.

2. Eau Claire police officers are discouraged from acting outside of their jurisdiction when not in uniform and without marked police vehicles. This includes any plain-clothes assignment. Any action shall be taken only after the officer properly identifies himself or herself as a police officer unless it would place the Eau Claire police officer or another person in jeopardy.

3. An Eau Claire police officer who acts under authority of the law or this policy shall, as soon as practical and without delay, notify the on-duty shift commander of the Eau Claire Police Department of his/her actions, providing all pertinent information. This information shall be documented on an incident report and a copy of this report forwarded to a Deputy Chief and the Chief of Police.

4. After review, a copy of the incident report shall be forwarded to the law enforcement agency in whose jurisdiction the incident occurred or action was taken.

325.5 CRITICAL INCIDENT MUTUAL AID

State, regional or county agencies may be summoned to assist and coordinate emergency services such as natural disasters, civil unrest, large crime scenes or accidents and hazardous or chemical spills. The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management and control.
- Detect the presence of dangerous conditions or hazardous materials.
- Begin identification of dangerous conditions or hazardous materials (may use the Emergency Response Guidebook ERG 2008 by the U.S. Department of Transportation).
- Isolate the incident and identify zones of danger and activity.

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- Contain the incident without risking unnecessary exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Contact the local Wisconsin state dispatch center and request support if it occurs on any federal, state or county highway located outside of this department's jurisdiction.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this department should clarify whether it is requesting assistance only or complete scene management.

325.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Director of Administration. 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. Copies of the list should be provided to the Communications Center and the Shift Commander to ensure proper use in compliance with agreements.

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Major Incident Notification

326.1 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.

326.2 POLICY

The Eau Claire 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.

326.3 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 Deputy Chief. 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 Eau Claire official
- Arrest of department employee or prominent Eau Claire 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

326.4 PATROL SUPERVISOR RESPONSIBILITIES

The patrol supervisor is responsible for making the appropriate notification. The patrol supervisor 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 call notification protocol.

326.4.1 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 Deputy Chief and the Detective Division Deputy Chief if that division is providing assistance.

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326.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

326.4.3 SPECIALTY COORDINATOR NOTIFICATION

In the event of a traffic fatality or major injury, the Specialty Coordinator supervisor shall be notified, who will then contact the appropriate investigator. The shift supervisor will notify the Deputy Chief of Patrol.

326.4.4 MEDIA RELATIONS OFFICER

The media relations officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

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Firearm Injury Reporting

327.1 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.

327.2 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 Section to the appropriate county or state agency as required.

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Death Investigation

328.1 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.

328.2 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.

328.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

(a) All deaths in which there are unexplained, unusual or suspicious circumstances

(b) All homicides

(c) All suicides

(d) All deaths following an abortion

(e) All deaths due to poisoning, whether homicidal, suicidal or accidental

(f) All deaths following accidents, whether the injury is or is not the primary cause of death

(g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death

(h) When a physician refuses to sign a death certificate

(i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate

(j) Unidentifiable bodies

328.2.2 SEARCHING DEAD BODIES

The Medical Examiner or an assistant and 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

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Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner when practicable.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat.§ 157.06(12)). If a donor document is located, the 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. Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

328.2.3 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 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.

328.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue an incident number for the report.

328.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

328.2.6 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 Detective Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

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Private Persons' Arrests

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Wisconsin common law.

329.2 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.

329.3 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)).

329.4 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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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, felony and/or ordinance citation.
3. Release the individual pending the review of charges by the district attorney's office.

329.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Identity Theft

330.1 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.

330.2 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.

330.3 PREVENTIVE MEASURES

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 .

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330.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft 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 .

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Limited English Proficiency Services

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 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 Eau Claire 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).

331.2 POLICY

It is the policy of the Eau Claire 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.

331.3 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.

331.4 TYPES OF LEP ASSISTANCE AVAILABLE

Eau Claire 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.

331.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

331.6 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.

331.7 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 communicate technical and law enforcement terminology, and be sufficiently proficient in the

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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.

331.8 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 LEP Coordinator 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.

331.8.1 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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331.8.2 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.

331.9 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 when 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.

331.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Eau Claire 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.

331.10.1 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 the Communications Center, 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.

331.11 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.

331.12 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. Complaints will be referred to the LEP Coordinator.

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.

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Communications with Persons with Disabilities

332.1 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.

332.1.1 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).

332.2 POLICY

It is the policy of the Eau Claire 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.

332.3 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

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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.

332.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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 Eau Claire 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.

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332.5 TYPES OF ASSISTANCE AVAILABLE

Eau Claire 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.

332.6 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 but in no event longer than one hour if requested.

(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, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

332.7 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

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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.

332.8 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.

332.9 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.

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.

332.10 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

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332.11 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

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Chaplains

334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Eau Claire Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

334.2 POLICY

The Eau Claire Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

334.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for department personnel and their families.

(d) By being alert to the spiritual and emotional needs of department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

334.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a law enforcement chaplain:

(a) Must demonstrate strong communications skills

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate-level background investigation.

(d) Must have at least three years of successful ministry experience within a recognized faith community.

(e) Must never have been convicted of a fleony or offenses involving moral turpitude.

(f) Must possess a valid Wisconsin driver's license.

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(g) Be willing to become invloved in training programs that enhance their skills in meeting and dealing with people in crisis.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

334.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit an appropriate written application.

(b) Review of application for minimum qualifications.

(c) Participate in a minimum of three ride-alongs (two hours each)

(d) Participate in an interview.

(e) Successfully complete an appropriate-level background investigation.

(f) Nomination of the candidate for appointment.

(g) Complete an appropriate probationary period as designated by the Chief of Police.

334.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Eau Claire Police Department.

334.6.1 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

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334.6.2 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.

334.6.3 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

334.6.4 ASSISTING THE DEPARTMENT/OFFICE

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to 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) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

334.6.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

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(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

334.7 OPERATIONAL GUIDELINES

(a) Police chaplains shall properly identify themselves. When performing their duties, they should bear in mind that they represent the Eau Claire Police Department, as well as their faith.

(b) Police chaplains shall not interfere with officers in the performance of their duties.

(c) When providing field services ministry, the chaplain should, when requested, notify the involved person's clergy as soon as practical. Upon requested clergy's arrival, the chaplain may defer to them.

(d) A chaplain's report will be completed each time a chaplain makes a contact in a field services ministry.

(e) Police chaplain reports will not be sent via unsecured electronic communication, i.e. e-mail.

(f) Personal conversations between department personnel and police chaplains will not be documented.

(g) Police chaplains may make follow-up calls. During these contacts, police chaplains may seek assistance from other police chaplains and/or request the assistance of a police officer by notifying the Commanding Officer. Any follow-up contacts shall be documented on police chaplain report forms.

(h) Police chaplains may make proper referrals in those cases where specialized attention is needed.

(i) Police chaplains shall not release any information to news media, insurance companies, or any other non-involved individuals. All requests should be referred to the Commanding Officer.

(j) Police chaplains will familiarize themselves with basic police radio procedures.

(k) Appropriate use of ministry tools, i.e., Bible, sacraments, is encouraged.

(l) Police chaplains shall maintain all privileged communications to themselves as confidential (unless waived by the individual) or unless those communications affect the safety of that individual or others.

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Public Safety Video Surveillance System

335.1 PURPOSE AND SCOPE

The City of Eau Claire 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.

335.2 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.

335.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

335.3.1 MONITORING

Images from each camera will be recorded on a 24-hour basis every day of the week. These images will be transmitted to monitors installed in the Shift Commander's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Shift Commander or the Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety camera system to be set up at a location other than the Communications Center 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

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(f) To assist in providing effective public services

335.3.2 TRAINING
Personnel involved in video monitoring will be appropriately trained and continuously supervised.

335.3.3 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 protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

335.4 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.

335.5 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.

335.5.1 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 Communications Center Director, who will promptly research the request and submit the results through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office.

335.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM
The Chief of Police or the authorized designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

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Child and Dependent Adult Safety

336.1 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 Policy and Vulnerable Adult Abuse Policy.

336.2 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 Eau Claire 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.

336.3 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 consider contacting 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.

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Service Animals

337.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Eau Claire 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.

337.2 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).

337.2.1 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).

337.2.2 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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337.3 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 Eau Claire 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.

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Illness and Injury Prevention

338.1 PURPOSE AND SCOPE

The health and safety of the employees of the Eau Claire Police Department is important to executive and management staff, and is critical to the operation of this department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Eau Claire Police Department. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring these guidelines and directives are implemented.

338.2 RESPONSIBILITY

The Special Services Lieutenant, acting as the IIPP administrator for this department, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

338.3 COMPLIANCE

The Special Services Lieutenant is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Special Services Lieutenant should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Recognizing employees who perform safe work practices.

(c) Ensuring the compliance of this department with safety rules regarding:

1. Protection from blood-typing pathogens
2. Protection from airborne transmissible diseases
3. Prevention of heat-related illness
4. Respiratory protection

Supervisors are responsible for training, counseling, and instructing anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy in this manual.

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All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

338.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Special Services Lieutenant will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

1. New worker orientation, including a discussion of safety and health policies and procedures.
2. Regular employee review of the IIPP.
3. Workplace safety and health training programs.
4. Regularly scheduled safety meetings.
5. Posted or distributed safety information.
6. A system for workers to anonymously inform management about workplace hazards.

338.5 ACCIDENT/EXPOSURE INVESTIGATIONS

Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken.

338.5.1 HUMAN IMMUNODEFICIENCIES VIRUS/BLOODBORNE PATHOGENS

Human Immunodeficiency Virus is a rapidly growing epidemic; however, prudent precautions can reduce the spread of the virus. This policy has been developed so that this agency may manage those things that we can reasonably predict will occur in the performance of our duties and protect departmental personnel from unnecessary exposure to the virus.

Police personnel routinely come into contact with members of the public. At some point, it is predictable that police officers will come in contact with a person who has an infectious disease

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such as HIV or Hepatitis B. There are documented instances where HIV has been contracted by handling of blood samples with ungloved hands (particularly where skin disorders have left broken skin), splashing of contaminated blood into the mouth and nose or piercing of the skin with a contaminated needle.

As a result, police personnel should exercise extreme caution and the following procedures shall be utilized when dealing with blood, items stained with blood or other bodily fluids.

338.5.2 SIGNIFICANT EXPOSURE

A line of duty exposure requires documentation as soon as possible after the incident. Significant exposure incidents include contact with body fluids into open wounds, chapped or non-intact skin, mucus membrane, conducting non-protected CPR, or receiving a cut or puncture wound from a needle, etc. When an officer is contaminated with body fluids, a supervisor will file an accident analysis report to accompany the officer's investigative report.

Any significant exposure shall be treated as an on-duty injury requiring immediate medical attention. Officers who have been exposed to infectious diseases will be evaluated clinically and serologically for evidence of infection, after the exposure. When a supervisor receives a report of a significant exposure from an employee, they should follow the guidelines as outlined in the significant exposure packets in the CO's office.

338.6 HAZARD CORRECTION

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented. This should be forwarded to the Special Services Lieutenant via the chain of command.

338.7 TRAINING AND INSTRUCTION

The Chief's Staff shall work with the Training Technician to ensure all workers, including supervisors, are trained on general and job-specific workplace safety and health practices.

(a) Training shall be provided:

- To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.

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- To all workers given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all workers with respect to hazards that are specific to each employee's job assignment.

(b) The Department IIPP training shall include:

- An explanation of the IIPP, the emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear and personal protective equipment.
- Information about chemical hazards to which employees could be exposed.
- Information about chemical hazards to which employees could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat-related illness.

338.8 RECORD KEEPING

The city Risk Manager will do the following to implement and maintain IIPP records:

(a) Make available the Identified Hazard and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) The Special Services Lieutenant will also make available the Investigation/Corrective Action Report to document individual incidents or accidents.

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Off-Duty Law Enforcement Actions

339.1 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 Eau Claire Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

339.2 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)).

339.2.1 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 Eau Claire 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.

339.3 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 and Qualification 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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339.4 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.

339.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Eau Claire Police Department officer until acknowledged. Official identification should also be displayed.

339.4.2 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.

339.4.3 CIVILIAN RESPONSIBILITIES

Civilian 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.

339.4.4 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.

339.5 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.

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Additionally, the employee shall contact the patrol supervisors, who shall determine whether to 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)).

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POLICE HONOR GUARD PROGRAM

340.1 PURPOSE AND GENERAL POLICY

The Eau Claire Police Department Honor Guard was created to represent the Department at community functions, law enforcement events, funerals, parades, specific ceremonies and any other event approved by the Chief Of Police or his/her Designee. Members of the Honor Guard consist of sworn police officers. The Honor Guard Commander serves as the coordinator of the Honor Guard and reports to the Deputy Chief of Patrol.

340.2 DEFINITIONS

Honor Guard Commander: The Honor Guard Commander shall be a sworn police officer appointed by the Chief of Police or his/her Designee. The Honor guard Commander reports directly to the Deputy Chief of Patrol.

Honor Guard Dress Uniform: The Honor Guard Dress Uniform will be determined by the Honor Guard Commander and approved by the Chief of Police or his/her Designee.

340.2.1 DRESS UNIFORM

- The Honor Guard Uniform consists of a dress jacket, dress pants, police hat, shoes, white dress shirt, blue dress shirt, white gloves, blue gloves, a tie, dress leather duty belt with equipment accessories and an outer dress coat for all weather.
- The dress jacket will be equipped with accessories and "hash marks" will be attached to the left forearm signifying the officer's years of service with the Eau Claire Police Department. Each hash mark signifies three completed years of service.
- Honor Guard patches will be attached to both shoulders on the dress jacket, both dress shirts and the outer dress coat.
- The Honor Guard Commander will determine how the uniform and accessories are worn in order to keep all members uniformly dressed. Any changes regarding how the uniform is worn shall be approved by the Honor Guard Commander.

340.3 SELECTION PROCESS

- Selection consideration will include the candidate's commitment to the program, due in part to the monetary investment in dress uniforms and training incurred by the police department.
- Final selection will be based on recommendations from the Honor Guard Commander and approved by the Chief of Police or his/her Designee.

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PUBLIC SPACE CAMERAS

394.1 PURPOSE AND SCOPE

The Eau Claire Police Department can access security cameras for the purpose of creating a safer environment for all those who live, work, and visit. This policy provides guidelines for the operation of security cameras and the purpose of their use. All public space electronic video surveillance equipment used by the Eau Claire Police Department will be in accordance with state, local, and federal law.

Security cameras are strategically placed throughout Eau Claire to meet the specific needs of departments and for the purpose of assisting the Eau Claire Police Department to deter crime, manage emergency response situations, and investigate suspected criminal behavior.

394.2 PROHIBITED ACTIVITY

Security camera use will be conducted in a professional and ethical, and legal manner. Security cameras will not be used in areas where there is a reasonable expectation of privacy. Video monitoring shall not be used to harass, intimidate, or discriminate against any individual or group.

394.3 REVIEW OF VIDEO DATA

Recorded video shall only be reviewed for a lawful and legitimate reason.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Eau Claire, 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.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by evidence based policing stategies.

(i) Traffic direction and control.

(j) Response to disasters, civic unrest and natural emergencies.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organizational cooperation and information flow between the various divisions of the Eau Claire Police Department.

400.2.1 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.

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400.2.2 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants 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, shift summaries, sharepoint, and case assignments as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Racial/Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Eau Claire 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 - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

401.2 POLICY

The Eau Claire 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, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

401.3 RACIAL- OR BIASED-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

401.4 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.

401.5 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.

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(b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

1. Supervisors should document these periodic reviews.
2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

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Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, certain basic tasks, including:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

402.2 PREPARATION OF MATERIALS

The supervisor conducting briefing, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue the assignment until relieved by a supervisor.

403.2.1 EXECUTION OF HEALTH ORDERS

Any certified member of this department is authorized to execute and enforce all orders of the local health officer, which have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Wis. Stat. § 250.04).

403.3 SEARCHES AT CRIME OR DISASTER SCENES

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 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 proper authority for the search is obtained.

403.3.1 CONSENT

Officers should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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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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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the 24-hour Wisconsin Emergency Operations Center at 800-943-0003 to request assistance.

(l) If available, activate reverse 9-1-1 calling to the affected area.

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 Special Services Lieutenant 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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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.

404.4 HAZARDOUS MATERIALS TRAINING

Employees should receive periodic training regarding hazardous material awareness and how to handle a hazardous material incident.

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Tactical Response Team

405.1 PURPOSE AND SCOPE

The Tactical Response Team (TRT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Tactical Response Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

405.1.2 TRT TEAM DEFINED

TRT team - A designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

405.2 POLICY

It is the policy of this department to maintain a TRT team and to provide the equipment, manpower and training necessary to maintain a TRT team. The TRT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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405.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of TRT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the TRT commander or the authorized designee.

405.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extrajurisdictional response

(i) Specialized functions and supporting resources

405.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to TRT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during TRT operations (time permitting).

    1. All TRT team members should have an understanding of operational planning.

    2. TRT team training should consider planning for both spontaneous and planned events.

    3. TRT teams should incorporate medical emergency contingency planning as part of the TRT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

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1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of TRT.

(e) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(f) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(g) The elements of post-incident scene management should include:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the TRT team.
   (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
   (b) When appropriate, debriefing should include specialized units and resources.

(h) Sound risk management analysis should be included.

(i) Standardization of equipment should be addressed.

405.3 TRAINING NEEDS ASSESSMENT

The TRT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

405.3.1 INITIAL TRAINING

TRT team operators and TRT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

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405.3.2 UPDATED TRAINING

Appropriate team training for the specialized TRT functions and other supporting resources should be completed prior to full deployment of the team.

TRT team operators and TRT supervisors/team leaders should complete update or refresher training/certification.

405.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the TRT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of TRT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a TRT or critical incident commander course or its equivalent. TRT command personnel should attend a TRT commander or tactical commander course or its equivalent.

405.3.4 TRT ON-GOING TRAINING

Training shall be coordinated by the TRT commander. The TRT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Armorer approved by the TRT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(b) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Armorer approved by the TRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

405.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

405.3.6 SCENARIO-BASED TRAINING

TRT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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405.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the TRT Commander until turned over to the training technician at the end of the calendar year.

405.4 UNIFORMS, EQUIPMENT AND FIREARMS

405.4.1 UNIFORMS
TRT team members from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

405.4.2 EQUIPMENT
TRT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

405.4.3 FIREARMS
Weapons and equipment used by TRT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

405.4.4 OPERATIONAL READINESS INSPECTION
The commander of the TRT shall appoint a TRT supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the TRT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the TRT vehicle.

405.5 MANAGEMENT/SUPERVISION OF TACTICAL RESPONSE TEAM
The commander of the TRT shall be selected by the Chief of Police upon recommendation of the staff.

405.5.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Patrol Deputy Chief, the Tactical Response Team shall be managed by the appointed TRT commander.

405.5.2 TEAM SUPERVISORS
The TRT team will be supervised by the TRT commander.

The team leaders shall be selected by the TRT commander with approval from the Deputy Chief of Patrol.

The following represent supervisor responsibilities for the Tactical Response Team:

(a) The TRT team leader's primary responsibility is to supervise the operations of the team, which will include deployment, first-line participation and other duties as directed by the TRT commander.

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405.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

405.6.1 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit a request to the CNT Coordinator. Interested personnel shall be evaluated by certain criteria, which include:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The CNT Coordinator shall submit a list of successful applicants to the Patrol Deputy Chief for final selection.

405.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

405.7 TACTICAL RESPONSE TEAM ADMINISTRATIVE PROCEDURES

The TRT/ team were established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/ or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the TRT/CNT teams.

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405.7.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a request to their appropriate Deputy Chief, a copy of which will be forwarded to the TRT commander and other team leaders. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the TRT commander. The testing process will consist of an oral board and a TRT basic handgun and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the TRT commander. Applicants will be evaluated by certain criteria, which include:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a TRT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

(b) TRT basic handgun: Candidates will be invited to shoot the TRT basic drill for the handgun.

(c) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(d) A list of successful applicants shall be submitted to the staff by the TRT commander and Deputy Chief of Patrol for final selection.

405.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the TRT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all TRT team members. Any member of the TRT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the TRT team.

405.8 OPERATIONAL GUIDELINES FOR TACTICAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Tactical Response Team and the CNT Team. Generally, the TRT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the Incident Commander.

405.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Tactical Response Team should respond. Upon final determination by the Shift Commander, the TRT commander will be notified.

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405.8.2 APPROPRIATE SITUATIONS FOR USE OF A TACTICAL RESPONSE TEAM
Examples of incidents that may result in the activation of the Tactical Response Team include:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Cases of suicide threats

(d) Arrests of persons reasonably believed to be dangerous

(e) Any situation in which TRT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

405.8.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Commander. Deployment of the Eau Claire Police Department Tactical Response Team in response to requests by other agencies must be authorized by a Deputy Chief.

405.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS
The TRT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional Tactical operations will regularly be conducted, Tactical team multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Eau Claire Police Department TRT team shall operate under the policies, procedures and command of the Eau Claire Police Department when working in a multi-agency situation.

405.8.5 MOBILIZATION OF TACTICAL RESPONSE TEAM
The on-scene supervisor shall make a request to the Shift Commander for the Tactical Response Team to respond. The Shift Commander shall then notify the TRT commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Commander's office by the TRT commander. The Shift Commander will then notify the Patrol Deputy Chief as soon as practicable.

The Shift Commander should brief the TRT commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

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(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The TRT commander shall then call selected officers to respond.

405.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Tactical Response Team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the TRT has arrived, all negotiations should generally be halted to allow the negotiators and TRT team time to set up.

(f) Be prepared to brief the TRT commander on the situation.

(g) Plan for and stage anticipated resources.

405.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Tactical Response Team, the Incident Commander shall brief the TRT commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the TRT commander, whether to deploy the Tactical Response Team. Once the Incident Commander authorizes deployment, the TRT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Tactical Response Team. The Incident Commander and the TRT commander or the authorized designee shall maintain communications at all times.

405.8.8 COMMUNICATION WITH TACTICAL RESPONSE TEAM PERSONNEL

All persons who are non-Crisis Negotiation Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with Crisis Negotiation personnel directly. All non-emergency communications shall be channeled through the CNT supervisor or the authorized designee.

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Ride-Along

406.1 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.

406.1.1 REQUESTS FOR RIDEALONG

- The administration of the Ride Along Program is the responsibility of the records section. This section will handle all requests for permission to ride and scheduling details.
- Upon receiving a request for a ride-along, the records section will conduct a background check to determine the suitability of the person making the request. The applicant must abide by the rules set forth in the "Application & Guidelines" form.

See attachment: Ride-Along Forms_Page_1(1).jpg

406.1.2 AVAILABILITY

The ride-along program is available Sunday-Thursday from 8p.m. - 10p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Deputy Chief or shift supervisor.

406.1.3 DEPARTMENT MEMBER REQUESTS

Non commissioned employees of this department may be authorized to ride along more than once per year but in different districts of the city, if their supervisor feels such action will increase the employee's understanding and performance of their assigned duties.

406.1.4 FAMILY MEMBERS OF OFFICERS REQUESTS

Family members of officers are allowed to ride along with the permission of the officer's Commanding Officer. Family members are required to sign Ride-Along Release of Liability forms prior to riding. Family members may be allowed to ride more than twice per year and are exempt from the rule requiring that the ride-along be the same sex as the officer.

406.2 RIDE ALONG RULES

- Two riders are allowed per assignment unless otherwise authorized by the Commanding Officer.
- There is a restriction of one ride-along for any one person in a calendar year, unless a special project calls for more time to be spent in squad cars. Any such projects should be approved through the Patrol Deputy Chief.
- Ride along periods will not be longer than 4 hours and will terminate at 10:00 P.M. Any exceptions may be granted by the Commanding Officer.

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- If the person seeking to ride does not have their name on the ride along list that is posted, the Commanding Officer may exercise discretion as to whether or not the person is allowed to ride. No one shall be allowed to ride who has not completed a Release of Liability form.
- Riders should be at least 16 years old, unless one of the child's parents, or an adult guardian designated by the parents, rides along with the youth. If at all possible, the authorization to ride under this paragraph should be cleared through the records section.
- Riders shall not ride with officers of the opposite sex unless accompanied by a second rider. Exceptions can be made by the Commanding Officer.
- The Commanding Officer has the right to refuse to let the riders take part in the program if they deem it necessary. In this event, persons not allowed to ride should be told to contact the records section for rescheduling or other action. The Commanding Officer should notify the records section of the reasons for his actions.
- As an officer responds to a dangerous and/or sensitive call (domestic disturbances, child abuse, sexual assault, etc.) they will use their discretion as to the rider(s) being allowed to closely observe the development of the call. If there is uncertainty of the situation, the rider(s) shall remain in the squad or other place of safety until the uncertainty is resolved, at the direction of the officer. No ride-along shall be involved in the execution of any search warrant.
- If any officer experiences a problem with a participant, they will notify their Commanding Officer.
- Participants may be given a tour of the Department.

406.2.1 STUDENT RIDER REQUIREMENTS

- Students' requests for permission to ride should be forwarded to the records section for review and scheduling.
- Students who are participating in the Ride-Along program to fulfill assignment credits for Criminal Justice related classes will be limited to two hours. These students may ride on Sundays through Wednesdays.
- Teachers or instructors of Criminal Justice related classes who wish to have students participate in the Ride-Along program, to fulfill assignment credits, will be asked that only four students from each of their classes be allowed to participate.
- Officers who are assigned to take these student riders may terminate the ride for cause and after notifying a shift supervisor. If a rider is terminated for cause, a report outlining the reasons will be forwarded to the Shift Commander for their signature and copies will be forwarded to the Deputy Chief of Patrol.
- Patrol Division supervisors may participate by taking student riders on occasion and are encouraged to do so.

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406.2.2 SUITABLE ATTIRE
Any person approved to ride-along is required to be suitably dressed. The Patrol Lieutenant or field supervisor may refuse a ride-along to anyone not properly dressed.

406.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the shift supervisor. 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.

406.2.4 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 Eau Claire Police Department).

406.3 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

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Citation Releases

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Eau Claire Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

Wisconsin law permits law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor or municipal civil forfeiture offenses with certain exceptions (Wis. Stat. § 968.085(2); Wis. Stat. § 800.02(1)).

407.1.1 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).

407.1.2 ARREST

The basic authority for police officers to make arrests derives from the Wisconsin Statute 62.09(13) which makes it a duty for a peace officer to arrest with or without a warrant and with reasonable diligence take before the court every person "found" in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of such city.

State Statute 968.07 further broadens this authority to arrest.

<u>968.07 Arrest By A Law Enforcement Officer</u>

- A law enforcement officer may arrest a person when:
    - He/She has a warrant commanding that such person be arrested, or
    - He/She believes, on "reasonable grounds" that a warrant for the person's arrest has been issued in this state; or
    - He/She believes, on reasonable grounds, that a felony warrant for the person's arrest has been issued in another state; or
    - There are reasonable grounds to believe that the person is committing or has committed a crime.

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- 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.
    - "Found" or "In the officer's presence" means when the officer receives knowledge of the commission of the offense in his/her presence through any of his/her senses, or by inferences properly to be drawn from the testimony of the senses. Usually he/she sees or hears, or both. Following his/her learning that an offense is being committed, the officer must still make good use of his/her sight, as he must identify the specific person committing the offense in order to arrest the guilty person and to identify him/her at a later date in court.
    - The terms "probable cause" and "reasonable grounds" are used interchangeably. Mere "suspicion" alone is never sufficient to authorize an arrest without a warrant. Where an officer in good faith believes that a crime has been committed and that the person in question committed it, and his/her belief is based on such grounds as would induce an ordinarily prudent and cautious man, under these circumstances, to believe likewise, then the officer is justified in arresting without a warrant.
    - State Statute 939.12 defines a crime as conduct which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime.

407.2 POLICY

The Eau Claire 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.

407.2.1 MUNICIPAL CITATIONS

To ensure adherence to statutory and departmental requirements, supervisory personnel shall monitor arrest situations and review all reports on arrests as they become available.

In view of the fact that the purpose of an arrest is to bring the arrested person before court to answer the violation for which he/she was arrested, detention to jail until the next session of court is a lawful act by the police officer. However, as a matter of normal practice, certain procedures have been established that in some cases permit the release of the prisoner before the next session of court.

Only a judge can set bail. The bail may be set if the judge endorses the amount of the required bail on the warrant at the time he issues it; or the judge may set bail at the arraignment in court, or, the judge may endorse a bail schedule in advance.

407.2.2 CITATION RELEASE

- All persons arrested for non criminal traffic violations shall be released from custody without a cash bond if they:

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- Have a valid drivers license from any state or can show sufficient evidence of ties to the community or:
- The arresting officer is otherwise satisfied that the accused will make future court appearances.

407.2.3 CRIMINAL ARRESTS (MISDEMEANOR AND FELONY)

All persons arrested for a felony or a misdemeanor (including a misdemeanor traffic offense) shall be released from custody without a cash bond unless any of the following exist:

- The accused does not give proper identification
- The accused appears to represent a danger of harm to himself/herself, another person, or property.
- The accused cannot show sufficient evidence of ties to the community such as a local residence, a local job/employment, local close relatives, or other close connections to the community.
- The accused has previously failed to appear in court or failed to respond to a previous citation.
- Arrest or further detention is necessary to carry out legitimate investigative action in accordance with the Eau Claire Police Department's policies.

These guidelines do not supersede other specific statutory mandates regarding detention.

407.2.4 CRIMINAL ARREST BAIL DENIAL

- Wisconsin statute 969.07 allows officers to deny bail to persons arrested on criminal charges when the officer feels the person is in a condition that would not allow them to care for themselves, or because of their physical condition, they would constitute a danger to others.
- Officers shall always obtain approval from a supervisor before bail is denied on a criminal arrest. The jail has a supply of "Bail Denial" forms, which must be signed by a supervisor.
- The most frequent type of incident where the question of legality of an arrest arises is in the general breaches of the peace and disorderly conduct. In many of these cases, the officer is dispatched to a location in answer to a complaint received by telephone at police headquarters. Though the officer arrives at the scene within a few minutes, the offense has already been concluded. In these cases, a physical arrest can be made only if existing conditions provide "probable cause" or "reasonable grounds" for the officer to believe that an ordinance or a criminal offense was violated and that the person to be arrested committed the violation. Additional factors may be considered:
    - Subject does not properly identify himself and, therefore, the element of not being apprehended unless immediately arrested is present. (Original Violation)

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- In the presence of the officer (public or private place), the subject engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. (Disorderly Conduct)
- Or, if by his apparent condition, attitude, and/or previous disorderliness, the officer believes it likely that the subject will cause personal injury or property damage if he is not immediately arrested. (Original Violation)
- Or, subject was observed by the officer trespassing on property or in the building of another person without permission of the lawful owner or occupant.

407.2.5 MUNICIPAL ORDINANCE VIOLATIONS
Officers will not require anyone to post bond for a municipal ordinance violation.

407.3 STATUTORY REQUIREMENTS

Misdemeanor citation releases are authorized by Wis. Stat. § 968.085(2). A misdemeanor citation may be issued in the field or at the station instead of or subsequent to a lawful arrest.

In determining whether to issue a misdemeanor citation, an officer may consider whether (Wis. Stat. § 968.085(2)):

(a) The person has given proper identification.

(b) The person is willing to sign the citation.

(c) The person appears to represent a danger of harm to him/herself, another person or property.

(d) The person can show sufficient evidence of ties to the community.

(e) The person has previously failed to appear or failed to respond to a citation.

(f) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with this department's policies.

(g) The offense involves domestic abuse pursuant to Wis. Stat. § 968.075(2) (Wis. Stat. § 968.085(8)).

An officer may not issue a misdemeanor citation to a person who is required to be arrested for a domestic abuse offense (Wis. Stat. § 968.085(8)).

Officers shall use the uniform citation form for issuing a notice to appear for a misdemeanor offense (Wis. Stat. § 758.171).

Whenever this department receives notice that the District Attorney has declined to prosecute a misdemeanor citation, the Records Section shall attempt to notify the person identified in the citation that he/she will not be charged and does not have to appear as directed in the citation (Wis. Stat. § 968.085(5)).

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407.3.1 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 Eau Claire 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 Eau Claire 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 Eau Claire 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).

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Diplomatic and Consular Contacts

408.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, www.travel.state.gov/consularnotification.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Foreign national - Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity- Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

408.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

408.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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408.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

408.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are currently several permanent consulates in Wisconsin, with most located in Madison or Milwaukee.

408.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members of honorary consuls have no immunity.

408.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, foreign service personnel should have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state (22 USC § 4301).

408.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with the DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labeled with the words "diplomat" or "consul". Vehicles owned by honorary consuls are not issued OFM license plates but

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may have Wisconsin license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the officer has reason to question the legitimate possession of the license plate.

408.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

408.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing officer:

(a) Identification documents are to be requested of the claimant.

(b) As soon as practicable, contact DOS to verify the driver's status and immunity (Wis. Stat. § 345.11(7)(b)(1)).

(c) Record all relevant information from any driver license or identification card, including a driver license or identification card issued by DOS.

(d) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(e) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(f) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(g) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(h) All other claimants are subject to the provisions of policy and procedures outlined here.

(i) The violator shall be provided with the appropriate copy of the notice to appear.

(j) Within 10 days after the citation was issued, forward a copy of the uniform traffic citation to the DOS (Wis. Stat. § 345.11(7)(b)(2)).

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408.5.2 TRAFFIC OFFENSES

Whenever an officer issues a citation to an operator of a motor vehicle who displays a driver's license issued by DOS or otherwise claims immunities or privileges under 22 USC § 254a to 22 USC § 258a 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 OFM Diplomatic Security Command Center, Diplomatic Motor Vehicle Office, to verify the status and immunity, if any, of the operator.

(b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS OFM Diplomatic Security Command Center, Diplomatic Motor Vehicle Office.

408.5.3 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

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Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521

(Driver's License Verification)

(202) 895-3532

(Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Office of Foreign Missions

Chicago, IL

(312) 353-5762

(0800-1645 CST)

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the State of Wisconsin, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the

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release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Breath-screening Test (PBT) and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in an Operating While Intoxicated (OWI) Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any crash or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Department.

408.6 TRAFFIC CRASH

Persons involved in traffic crashes who possess a DOS OFM Diplomatic driver license, issued by the DMVO, shall have "D" coded in the license "class" box of the MV4000 Wisconsin Motor Vehicle Traffic Accident Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M), along with the claimant's title, country and type of identification presented, should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the crash scene should be handled in accordance with the procedures specified in this policy.

As soon as practicable, the reporting employee shall contact DOS to verify the driver's status and immunity (Wis. Stat. § 346.70(4)(i)(1)). Within 10 days after the date of the crash, the Shift Commander shall forward a copy of the crash report to DOS (Wis. Stat. § 346.70(4)(i)(2)).

408.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

408.6.2 REPORTS

A photocopy of each Traffic Accident Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the

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violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Shift Commander/supervisor apprised of the incident shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials or logs, to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure the notification of DOS and all necessary follow-up occurs.

408.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

408.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

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If the individual requests such notification, the officer shall contact the Communications Center as soon as practicable and request the appropriate embassy or consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of the individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if the place of detention is different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

408.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate arrest or investigation report the date and time the Communications Center was notified of the foreign national's arrest or detention and his/her claimed nationality.

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Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers assist in the placement of a person under emergency detention (Wis. Stat. § 51.15).

409.2 POLICY

It is the policy of the Eau Claire Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

409.4 DOCUMENTATION

The officer shall complete a petition for examination, provide it to the facility staff member assigned to that patient and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.4.1 PROBABLE CAUSE STATEMENT

The petition 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)).

409.5 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

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The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.6 TRAINING

This department will endeavor to provide department-approved 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)).

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Hostages and Barricaded Persons

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

410.1.1 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.

410.2 POLICY

It is the policy of the Eau Claire 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.

410.3 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a TRT response if appropriate and apprising the TRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

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(f) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(g) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(h) Identify a media staging area outside the outer perimeter and have the media representative provide media access in accordance with the News Media Relations Policy.

(i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(j) Debrief personnel and review documentation as appropriate.

410.4 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the TRT Commander, whether to deploy the TRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the TRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the TRT. The Incident Commander and the TRT Commander or the authorized designee shall maintain communications at all times.

410.4.1 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

411.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing 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 shall always be the primary consideration.

411.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. Officers trained in the use of the portable X-ray unit can respond and assist in the identification of the device. If the item can't be determined to be safe the appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(c) A perimeter should be secured for a safe distance around the location depending on the surrounding physical environment and allowing for an entrance for support personnel.

(d) As much initial information as possible should be relayed to the shift supervisor without touching the device, including the following:

1. The stated threat
2. Exact comments
3. Time of discovery
4. Exact location of the device
5. Full description (e.g., size, shape, markings, construction)

(e) Officers should not transmit on any equipment that produces radio frequency energy within 300 feet.

(f) Consideration should be given to the possibility of evacuation if a device is located within a building.

(g) An additional perimeter should be secured around any suspected device.

(h) Officers should consider the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(i) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

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(j) Explosive or military ordnance of any type should be handled only by bomb squad technicians.

(k) When in doubt, call for assistance from the bomb squad.

411.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the officer:

- Injury to victims
- Existence of additional or secondary devices
- First aid
- Evacuation of victims

411.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal

(b) Bomb squad

(c) Additional officers

(d) Field supervisor

(e) Shift supervisors

(f) Investigators

(g) Crime Scene Unit personnel

(h) Wisconsin Emergency Management (WEM) for regional and/or county Hazardous Material Response Teams

(i) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)

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Rapid Response And Deployment

412.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in implementing rapid response and deployment to such situations.

412.2 POLICY

The policy of this department in dealing with a crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual.

(d) To attempt, whenever practicable, a negotiated surrender of the suspect and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, to neutralize the threat as rapidly as reasonably possible to minimize injury and loss to life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or injury.

412.3 PROCEDURE

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 immediately 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.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.

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(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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Reporting Law Enforcement Activity Outside of the Jurisdiction

413.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Eau Claire Police Department.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the shift supervisor or and shall respond to the request as outlined in the Mutual Aid and Outside Agency Assistance Policy. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practicable.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in self-initiated law enforcement activities of any type outside the immediate jurisdiction of the Eau Claire Police Department that are not part of a mutual aid request shall notify his/her supervisor or the shift supervisor at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the shift supervisor 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 Deputy Chief.

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 Eau Claire Police Department (Wis. Stat. § 175.40(6)(d); Wis. Stat. § 175.40(6)(m)(a)).

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Eau Claire Police Department for investigating and enforcing immigration laws.

414.2 POLICY

It is the policy of the Eau Claire 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.

414.3 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.

414.4 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.

414.4.1 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.

414.4.2 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.

414.4.3 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.

414.5 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.

414.6 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.

414.7 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 Division supervisor assigned to oversee the handling of any related case. The Detective Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.8 TRAINING

The Training Technician shall ensure that all appropriate members receive immigration training.

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Emergency Utility Service

415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center.

415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Communications Center.

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Eau Claire contracts with a private company to furnish maintenance for all traffic signals within the City, other than those maintained by the Wisconsin Department of Transportation (WisDOT).

415.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

416.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Eau Claire Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

416.2 PATROL RIFLE

416.2.1 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 or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department Armorer.

416.3 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 DPMS AR 15.

416.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle on a bi-annual basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(d) 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.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

416.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial patrol rifle user's course and qualification

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with an approved patrol rifle instructor. Officers shall thereafter be required to successfully complete monthly shoots conducted by a department-approved patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete department-sanctioned training/qualification sessions will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

416.6 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. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

416.7 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.

416.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol 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.

416.9 RIFLE STORAGE

(a) Each squad car will have a patrol rifle in the gun mount, patrol ready, at the begining of officers' shifts.

(b) When not in use, patrol rifles will be stored in the department armory in rifle racks. The rifle will be stored unloaded and chamber empty.

(c) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack.

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Aircraft Accidents

417.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft accidents and the responsibilities of personnel, making proper notification and documentation.

417.1.1 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).

417.2 RESPONSIBILITIES

In the event of an air accident, the employee responsibilities are as follows:

417.2.1 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.

417.2.2 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.

417.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to 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 dispatcher receiving such information should verify 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 that airport personnel are not

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involved, the dispatcher should notify the Wisconsin Department of Transportation Bureau of Aeronautics, the FAA and the NTSB.

417.2.4 DIRECTOR OF ADMINISTRATION RESPONSIBILITIES
The Director of Administration 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 Patrol Deputy Chief and the manager of the affected airport.

417.2.5 RECORDS TECHNICIAN RESPONSIBILITIES
The Police Department Media Relations 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 Media Relations 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 Media Relations Officer or in accordance with existing policy.

417.3 DOCUMENTATION

Any aircraft accident within the City, regardless of whether injuries or deaths occur, shall be documented.

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POLICE TRAINING OFFICER PROGRAM

418.1 PURPOSE AND SCOPE

The Police Training Officer (PTO) 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 Eau Claire Police Department.

418.2 POLICY

It is the policy of this department to assign all new police officers to a structured PTO 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 as a fully competent police officer.

418.3 FIELD TRAINING OFFICER

The PTO is an experienced officer trained in the art of problem solving, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

418.3.1 SELECTION PROCESS

PTOs will be selected based on certain requirements, which include:

- Desire to be a PTO.
- Minimum of 2 years of patrol experience.
- Possesses above average skills, knowledge, abilities, attitudes, and emotional intelligence of a police officer.
- Demonstrated ability as a positive role model.
- Evaluation by PTO supervisors.

418.3.2 TRAINING

An officer selected as a PTO shall successfully complete a PTO course approved by the Department prior to being assigned as a PTO.

418.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The PTO Program supervisor will be selected from the rank of sergeant or above and should have completed a PTO course.

The responsibilities of the PTO Program supervisor include:

- Monitor individual PTO and trainee performance.
- Maintain and ensure trainee evaluations are completed.
- Conduct the mid-term transition meeting.
- Monitor the overall PTO program.

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418.5 TRAINEE DEFINED

Trainee-any entry level police officer newly appointed to the Eau Claire Police Department who, within the time frame established by the Law Enforcement Standards Board (LESB), has successfully completed an LESB-approved basic training course.

418.6 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Police Training Officer Program.

The training period for entry level officers should consist of approximately 75 working days.

To the extent practicable, entry level officers should be assigned to a variety of PTOs, shifts and geographical areas during their training.

418.6.1 FIELD TRAINING MANUAL

Every new officer will be issued a PTO Training Binder prior to beginning the integration phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Eau Claire Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The PTO Training binder will specifically cover those policies, procedures, rules and regulations of the Eau Claire Police Department.

418.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

418.7.1 FIELD TRAINING OFFICER

- Coaching and Training Reports (**CTRs)-** Trainees will complete 2 CTRs per phase of training.
- Problem Based Learning Exercise (**PBLE)-** Trainees will complete 1 PBLE per phase of training.
- Neighborhood Portfolio Exercise (**NPE)-** Trainees will work on their NPE throughout the training program and present it on an assigned date near the end of their training program.
- Mid-term Evaluation - One week evaluation between phase B and C.
- Final Evaluation - One week evaluation following phase D.

418.7.2 IMMEDIATE SUPERVISOR

- PTOs shall comment on each of the core competencies as they relate to the trainees CTRs.
- PTOs shall question the trainee on their PBLE action plans and complete a grading rubric outlining the trainee performance on the PBLE.

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- PTOs shall prepare a written document outlining trainee performance in each core competency as they relate to the appropriate matrix cells during the mid-term and final evaluation.
- PTOs shall make daily journal entries documenting trainee performance.

418.7.3 FIELD TRAINING ADMINISTRATOR
The PTO's assigned supervisor shall review all journal entries, CTRs, PBLEs, written evaluations, and other mandatory learning signoffs within the PTO Training Binder.

418.7.4 TRAINEE
The PTO Coordinator will review all journal entries, CTRs, PBLEs, written evaluations, and other mandatory learning signoffs within the PTO Training binder.

The PTO Coordinator will hold periodic meetings with all PTOs to ensure understanding and compliance with the requirements of the PTO Program. At least annually, the PTO Coordinator will hold a program review meeting with all PTOs to discuss changes needed in the PTO Program.

418.7.5 TRAINEE

- Trainees shall complete 2 CTRs per phase and turn them over to their assigned PTO for comments.
- Trainees shall complete 1 PBLE per phase and present/defend their findings to their assigned PTO. Trainees will be evaluated on predetermined categories outlined on the PBLE rubric.
- Trainees shall complete the NPE and present their project to the training board of evaluators, members of the Chief's Staff and other department members as applicable.
- Trainees shall make daily journal entries evaluating their performance.
- At completion of the probationary period, the trainee shall complete a Post Probationary PTO Review with the PTO Coordinator. The review will evaluate PTO performance and the Police Training Officer Program.

418.8 DOCUMENTATION
All documentation of the Police Training Officer Program will be retained in the officer's training files and will consist of the following:

- Trainee and PTO journals
- Completed CTRs and PBLEs
- Mid-term and Final evaluations
- All signoff sheets from the integration phase and phases A-D
- Graded policy review exams

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Detentions, Contacts and Photographing Detainees

419.1 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.

419.1.1 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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419.2 POLICY

The Eau Claire 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.

419.3 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.

419.3.1 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 Eau Claire Police Department to strengthen community involvement, community awareness and problem identification.

419.3.2 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.

419.3.3 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.

419.4 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 is informed that he/she has the right to refuse the request to search.

(d) 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 consent. If written consent is not possible, the officer should record any verbal consent.

419.5 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:

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(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The 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.

419.6 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

419.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.7 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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419.8 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to records with either an associated FI card or other report explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the supervisor should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or report is relevant to criminal gang enforcement, the supervisor will forward the photo and documents to the Gang Unit coordinator. The Gang Unit coordinator will ensure the photograph and supporting documents are retained as prescribed in the Criminal Gangs Policy.

(b) Photographs that do not qualify for retention in the criminal gang file or that are not evidence in an investigation with an assigned case number shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in compliance with the organization's records retention schedule.

419.8.1 JUVENILE PHOTO FILE

All photographs and records of juveniles shall be kept separate from adult photographs and records (Wis. Stat. § 938.396(1)(a)).

This department does not allow copies of juvenile photo files to be automatically obtained by parents, guardians or legal custodians. However, parents, guardians or legal custodians may submit a written request to review a juvenile’s record or photograph in compliance with the Records Release and Security Policy (Wis. Stat. § 938.396(1)(c)(1)).

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Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Eau Claire Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.2 POLICY

The Eau Claire Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 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.

A designated supervisor 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.

420.3.1 SYSTEM ENTRIES

It is the designated 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 designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Director of Administration may not purge such documents without the approval of the designated supervisor.

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420.4 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 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.

420.4.1 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 only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center 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.

420.4.2 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.

420.4.3 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases for use by members of the Gang Unit. Any such database must be compliant with 28 CFR 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Gang Unit supervisor's responsibility to determine whether a report or FI contains information that would meet the criteria for entry into a criminal gang intelligence database approved by the Department. After giving written approval for entry of the record, the Gang Unit

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supervisor should forward any such reports/FIs to the Records Section after appropriate database entries are made. The submitting Gang Unit supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Director of Administration to retain reports and FIs in compliance with the procedures of the department-approved gang/intelligence file and 28 CFR 23.20. The Director of Administration may not purge these reports or FIs without the approval of the Gang Unit supervisor.

Validation and purging of gang intelligence databases is the responsibility of the Gang Unit supervisor.

420.5 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.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Technician to train members to identify information that may be particularly relevant for inclusion.

420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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.

420.7 CRIMINAL STREET GANGS

The Detective Division supervisor should ensure that there are an appropriate number of department members who can:

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(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.

420.8 TRAINING

The Training Technician 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.

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Shift Commanders

421.1 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 shift.

421.2 DESIGNATION AS ACTING PATROL LIEUTENANT

When a Lieutenant is unavailable for duty as Patrol Lieutenant, in most instances the qualified sergeant shall be designated as acting Patrol Lieutenant.

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Mobile Video Recording System

422.1 PURPOSE AND SCOPE

The Eau Claire Police Department has equipped marked patrol cars with Mobile Video Recording (MVR) 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.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recording (MVR) 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.

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, 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.

422.2 POLICY

It is the policy of the Eau Claire 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.

422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Eau Claire Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MVR system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer properly logging in at the start of their shift and properly logging out at the end of their shift. 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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422.4 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence. and is subject to the same activation requirments as the MVR. The MVR system should be activated in any of the following situations:

- All field contacts involving actual or potential criminal conduct within video or audio range:
    - Traffic Stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
    - Priority responses
    - Vehicle pursuits
    - Suspicious vehicles
    - Arrests
    - Vehicle searches
    - Physical or verbal confrontations or use of force
    - Pedestrian checks
    - OWI investigations including field sobriety tests
    - Consensual encounters
    - Crimes in progress
    - Responding to an in progress call
- All assigned cases and officer initiated cases as you arrive on scene
- All self-initiated activity in which an officer would normally notify the Communicaitons Center
- Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
    - Domestic abuse calls
    - Disturbance of peace calls
    - Offenses involving violence or weapons
- Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- Any other circumstance where the officer believes that a recording of an incident would be appropriate.
- Failure to comply with the required activations of the MVR may result in discipline.

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422.4.1 CESSATION OF RECORDING

When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:

- The incident or event is of such duration that the MVR may be deactivated to conserve recording times; and
- The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
- The intention to stop the tape has been noted by the officer either verbally or in a written notation.
- The event being recorded is restricted by state or federal law. (example: strip searches)

The wireless microphone automatically activates when the MVR is activated. The wireless microphone shall remain activated until the end of the event unless:

- Above circumstances are met or,
- A conversation occurs strictly between law enforcement personnel which involves strategy, tactics, or supervisor directives, at which time the may elect to mute the wireless microphone for that particular discussion or,
- The event being recorded is restricted by state or federal law. (example: strip searches)

422.4.2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR 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.

422.4.3 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved crashes), a supervisor shall respond to the scene and ensure that the vehicle is taken to the appropriate location for downloading.

422.5 REVIEW OF MVR 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.

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To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MVR technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

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 MVR systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the 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

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Shift Commander. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

422.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system the officer should label the video/ audio one of the following four options:

- Inc - Incident / ACC - Accident Report

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- Traff - Traffic stop / Ord - Ordinance complaint
- Transports - On all transports
- OWI/Arrest

The existence of that recording shall be documented in the officer's report.

If the equipment is turned on for testing purposes or the MVR is accidentally activated the officer should label the MVR video/audio as (Default)

If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

422.7 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 120 days and disposed of in compliance with the established records retention schedule.

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Eau Claire Police Department shall make sure a incident number was generated for this incident and indicate on their daily report log the reason why this recording needs to be preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

(a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MVR system should be configured to minimally record for 30 seconds, prior to an event.

(c) The MVR system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.

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(e) Officers using digital transmitters that are synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only MVR technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(g) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

422.9 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MVR technician:

1. Ensures it is stored in a secured location with authorized controlled access.

(c) Erasing of media:

(d)
1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

422.10 TRAINING

All members who are authorized to use the MVR system shall successfully complete an approved course of instruction prior to its use.

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Mobile Data Computer Use

423.1 PURPOSE AND SCOPE

The Mobile Data Computer (MDC) accesses confidential records from state and national databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

423.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC, unless otherwise authorized by the shift supervisor.

423.2.1 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 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.

423.2.2 DOCUMENTATION OF ACTIVITY

MDCs and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(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 shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

423.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

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Other changes in status may be entered by depressing the appropriate keys on the MDC.

423.2.4 EMERGENCY ACTIVATION ON MDC

If the emergency button is depressed on the MDC, the dispatcher will call the officer and ask whether the officer needs assistance. If the officer answers that no additional assistance is required, all officers will resume normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, the dispatcher will send available officers to assist in locating the unit transmitting the emergency. Whenever a location is known, the dispatcher will immediately dispatch the nearest available unit as an emergency call response.

(b) The dispatcher will notify the patrol supervisor of the incident without delay.

Officers not responding to the emergency call shall refrain from transmitting on the radio until a no-further-assistance broadcast is made, unless they are also handling an emergency.

423.3 MDC CONSIDERATIONS

423.3.1 NON-FUNCTIONING MDC

Whenever reasonably possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

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Portable Audio/Video Recorders

424.1 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 lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

424.2 POLICY

The Eau Claire Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

424.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in an official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

424.4 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. 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.

424.5 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 Shift Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

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Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

424.6 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and turn their recorder in for download, transcription and document the existence of the recording in the related case report.

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.

Members should turn in their recorders for download at the end of their shift any time the their is pertinent information stored on it.

424.6.1 RETENTION REQUIREMENTS

All recordings, except for dictations, 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.

424.7 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.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Release and Security Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE

The Eau Claire Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer's mobility and visibility in the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the shift supervisor.

425.3 TRAINING

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

425.4 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment including ballistic vest while operating the police bicycle. Safety equipment includes department-approved helmet and approved footwear.

The bicycle uniform consists of the standard short sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a jacket in colder weather or turtleneck shirts when worn under the uniform shirt.

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.

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425.5 CARE AND USE OF PATROL BICYCLES

(a) Officers will use a specially marked and equipped patrol bicycle, attached gear bag.

(b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors and 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) 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).

(e) If a needed repair is beyond the ability of the bicycle officer, a report will be completed and forwarded to the program supervisor for repair by an approved technician.

(f) Each bicycle will have scheduled maintenance once a year, to be performed by the department's bike technician.

(g) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

(h) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the Bicycle Patrol Unit supervisor or in the event of an emergency.

(i) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(j) Bicycles shall be properly secured when not in the officer's immediate presence.

425.6 OFFICER_DEPUTY RESPONSIBILITIES

Officers must operate the bicycle in compliance with Wisconsin law under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. During any operation of a bicycle, the exemptions granted to an officer when operating an authorized emergency vehicle do not provide relief from the duty to drive or ride with due regard for the safety of all persons nor do they provide protection from the consequences of reckless disregard for the safety of others (Wis. Stat. § 346.03(5)).

Officers are exempt from the rules of the road under the following conditions (Wis. Stat. § 346.03(3)):

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(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

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Foot Pursuits

426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

426.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

426.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must 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.

426.4 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 the Communications Center 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.

426.5 RESPONSIBILITIES IN FOOT PURSUITS

426.5.1 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. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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 the Communications Center of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

426.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

426.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor 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;

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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.

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.

426.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the Communications Center 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 Shift Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

426.6 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.

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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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Homeless Persons

427.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Eau Claire Police Department recognizes that members of the homeless community are often in need of special protection and services. The Eau Claire Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

427.1.1 POLICY

It is the policy of the Eau Claire 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.

427.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

427.2.1 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.

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(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Vulnerable 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.

427.3 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.

427.4 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.

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Chapter 5 - Traffic Operations

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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_DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Eau Claire Police Department. Information provided by the Wisconsin Department of Transportation (WisDOT) is a valuable resource for traffic crash occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Factors such as the violator’s socio-economic status, political office or affiliation, race, sex, age, or any racial/bias-based profiling element are generally inappropriate factors to consider when making violation enforcement decisions. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Wis. Stat. § 349.025(2)). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

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500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST
Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS
Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers shall provide the following information at a minimum (Wis. Stat. § 345.27):

(a) Explanation of the violation or charge (Wis. Stat. § 345.27):
    1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
    2. That demerit points may be assessed against the person's driving record for the offense
    3. The number of demerit points that is cause for revocation or suspension

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION
An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation is alleged to have occurred (Wis. Stat. § 345.11(2); Wis. Stat. § 345.11(5)).

500.3.4 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses (Wis. Stat. § 345.22). These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular homicide

(b) Operating a vehicle while under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

(e) Inability to positively identify the violator, the violator has no permanent address or ties to the community, or the violator is an out-of-state resident

500.4 SUSPENDED OR REVOKED DRIVER LICENSE
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Wis. Stat. § 343.44.

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500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, crash investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the designated storage area of each patrol and investigation vehicle. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests.

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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 Eau Claire Police Department prepares traffic crash reports in compliance with Wis. Stat. § 346.70(4). As a public service the Eau Claire 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.

501.3 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 may issue a traffic 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.

501.4 TRAFFIC CRASH REPORTING

501.4.1 MEMBER RESPONSIBILITIES

Department members shall utilize the Wisconsin Motor Vehicle Accident Report Form (MV4000) prepared by the Wisconsin Department of Transportation (WisDOT) for a reportable crash that meets the following criteria:(Wis. Stat § 346.70(4)(b)):

(a) The crash originated or terminated on a traffic way, or public or private premises as outlined within Wis. Stat. § 346.66, and involved at least one motor vehicle in transport and resulted in any of the following (Wis. Stat. § 346.70):

1. Injury or fatality of a person
2. Total damage to one person's property that is reasonably believed to be $1,000 or more
3. Damage to government-owned property that is reasonably believed to be $200 or more, except to government-owned vehicles, which is $1,000 or more

Motor vehicle crashes that do not meet the above criteria are considered non-reportable. A general information report may be taken in lieu of a MV4000. The information contained in the general information report shall be sufficient to complete the MV4000 should it later be determined that the crash involved injuries or property damage that meet the state criteria of a reportable crash.

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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 Shift Supervisor for approval.

501.4.2 DEPUTY CHIEF OF PATROL RESPONSIBILITIES
The records division responsibilities include:

(a) Forwarding the original copy 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) Forwarding a copy of the MV4000 to the governing body where the crash occurred pursuant to Wis. Stat. § 346.70(4)(h).

501.5 REPORTING SITUATIONS

501.5.1 TRAFFIC CRASHES INVOLVING CITY VEHICLES
Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash on a roadway or highway, wherein any damage or injury results. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Deputy Chief.

Photographs of the crash scene and vehicle damage shall be taken.

501.5.2 INJURY OR FATALITY TRAFFIC CRASHES WITH POLICE DEPARTMENTOFFICE EMPLOYEES
When an employee of this department, either on- or off-duty, is involved in a traffic crash within the jurisdiction of the Eau Claire Police Department and it results in a serious injury or fatality, the Deputy Chief of Patrol or the shift commander may 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.

501.5.3 TRAFFIC CRASHES WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Deputy Chief of Patrol or 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.

501.5.4 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS
When a member of this department investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a to 22 USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the department member shall do the following (Wis. Stat. § 346.70(4)(i)):

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(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:

- (202) 895-3521 (driver's license verification)
- (202) 895-3532 (registration verification)
- (202) 895-3533 FAX

501.6 NOTIFICATION OF DEPUTY CHIEF OF PATROL

In the event of a serious injury or death-related traffic crash, the Shift Commander shall notify the Deputy Chief of Patrol to relate the circumstances of the traffic crash and seek assistance from the crash reconstruction team. In the absence of a Deputy Chief of Patrol, the Shift Commander or any supervisor may assign an investigator or traffic officer to investigate the traffic crash.

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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 Eau Claire Police Department.

502.2 IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking 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 blue tow card. A portion of the tow card shall be given to the tow truck operator and the original submitted to the Property Technician as soon as practicable after the vehicle is towed.

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 the Communications Center. When there is no preferred company requested, the officer will request a no preference wrecker. The communications center will complete that request.

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 a no preference wrecker.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call wrecker dispatch to determine the tow company.

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502.2.5 RECORDS SECTION RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

The lead CSO shall determine the names and addresses of any individuals having an interest in the vehicle through WisDOT or TIME computers. Notice shall be sent to all such individuals by certified mail. The notice shall include:

(a) The name, address, and telephone number of this department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive a post-impound hearing, the owner, or his/her agent, shall request the hearing in person, in writing or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The City of Eau Claire periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in an impounded vehicle taken as evidence shall be inventoried and listed on inventory report. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be thorough and accurate as practicable. Any currency, weapons, prescription drugs, or illegal drugs should be packaged separately. Higher value items should be listed separately, but may be stored in the vehicle. Other items can be grouped such as, suit case with clothing. These inventory procedures are for the purpose of protecting an owner's property while the vehicel is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked

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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)).

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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 Eau Claire 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.

503.3 INVESTIGATIONS

Officers should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI. All officers are expected to enforce these laws with due diligence.

503.4 FIELD TESTS

Officers should primarily use Standardized Field Sobriety Tests whenever possible. These tests consist of Horizontal Gaze Nystagmus Test, walk and turn and one legged stand. If other tests are necessary due to some type of physical impairment the officer will use best judgement.

503.5 CHEMICAL TESTS

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.

(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.

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(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)).

503.5.1 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).

503.5.2 BREATH SAMPLES

The Deputy Chief of Patrol 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 Deputy Chief of Patrol.

503.5.3 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. No officer, even if properly certified, should conduct the blood withdrawal (Wis. Stat. § 343.305(5)(b)).

officers should inform an arrestee that if he/she chooses to provide a blood sample, separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

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.

503.5.4 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.

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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, Eau Claire Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

503.6 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Wis. Stat. § 343.305).

(b) Audio-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The officer shall forward all reports and notices onto to the records divisioin and they 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)).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) Exigent circumstances exist, the person has been arrested for OWI, the officer reasonably believes that a chemical test will reveal evidence of intoxication, and no reasonable objection to the withdrawal has been presented by the arrestee. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(b) A search warrant has been obtained.

503.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

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(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 form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and 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.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. In first time OWI and misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.6.4 OFFICER/DEPUTY 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)).

503.7 ARREST AND INVESTIGATION

503.7.1 COLLISIONS

Officers investigating a person for OWI shall make all reasonable efforts to obtain a chemical sample if the person was involved in a crash that resulted in a fatality or serious physical injury crash causing substantial bodily harm, great bodily harm or death (Wis. Stat. § 343.305(2)).

503.8 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to WisDOT.

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Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and WisDOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

503.9 TRAINING

The Training Technician should ensure that officers participating in the enforcement of OWI laws receive Standardized Field Sobriety Testing training.

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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 Records Section shall be responsible for the accounting of all traffic citations provided to employees of this department (Wis. Stat. § 345.11(7)(a)).

The Records Section 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

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court officer, district attorney or city attorney has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the court officer.

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 may request that the court dismiss the citation. 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.

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. The citation and copies shall then be forwarded to the records section.

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.

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504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Section.

504.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults.

(a) Juveniles 16 or 17 years of age shall be treated as adults when issued a Uniform Traffic Citation.

(b) Juveniles 12 to 15 years of age who commit a Section I traffic offense listed in the Wisconsin Uniform Traffic Bond Schedule may be issued a Uniform Traffic Citation. However no bond shall be listed on the traffic citation, and a court date shall be assigned. Referral to juvenile court is not necessary.

(c) Juveniles under the age of 12 who commit a Section I traffic offense, or juveniles under the age of 15 who commit a Section II traffic crime, must be referred to the appropriate juvenile intake office.

(d) When a citation is issued to a juvenile under 17 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)).

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Eau Claire Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

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

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

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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 "MARKING" SUSPECTED ABANDONED VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of state or local laws shall be marked and documented via the computer aided dispatch (CAD) system. A case number is required at this time with a report describing the markings, description of the vehicle, and location.

A visible chalk, crayon or paint mark should be placed on one of the vehicle tires. Any deviation in markings shall be noted the report.

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.

All abandoned vehicle reports shall be submitted to the Shift Commander for review and case status should be changed to indicate follow up is needed.

506.2.1 ABANDONED VEHICLE FILE

The lead CSO shall be responsible for maintaining a file for all abandoned vehicle cards.

Parking control officers shall be responsible for the follow-up investigation of all abandoned violations noted in the CAD system.

506.3 VEHICLE IMPOUND

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service and a blue tow card shall be completed by the officer authorizing the removal of the vehicle.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for possible evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Shift Commander.
4. Interview all available victims, informants, complainants, witnesses and suspects.
5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(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.

An employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of an officer shall be requested.

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600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall generally be read their *Miranda* rights unless an exception applies.

A juvenile's request to speak with a parent or to have a parent present during questioning should be honored to ensure the juvenile's statement is voluntary.

600.3.1 RECORDING CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed a felony, or any juvenile if the offense could be a crime if prosecuted under state statute, should 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)).

Generally, questioning during an interrogation should be performed by no more than two persons, although others may be present during the interrogation and may also provide notes to those persons conducting the questioning.

Interrogations shall be of a reasonable duration considering the age of the person under interrogation, the time of day and the physical, emotional and mental condition of the person under interrogation. Reasonable breaks for meals, beverages and rest should be considered as may be appropriate.

Officers should make an electronic recording of a custodial interrogation, or any investigative interview, for any offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

(a) Officers shall make an audio/visual recording of a custodial interrogation in its entirety of any person suspected of committing a felony unless an exception applies or good cause is shown for not making a recording (Wis. Stat. § 968.073(2)).

1. Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):

    (a) The person refused to respond or cooperate in the interrogation if a recording was being made.

    (b) The statement was made in response to a question asked as part of the routine processing.

    (c) The statement was made spontaneously and not in response to a question.

    (d) 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.

    (e) Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.

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(f) 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.

(b) Officers shall make an audio/visual recording of a custodial interrogation of any juvenile conducted at a place of detention, or if feasible at a place other than a place of detention, unless good cause is shown for not making a recording or an exception applies (Wis. Stat. § 938.195(2)).

(a) Exceptions to an audio or audio and visual recording of the juvenile interrogation include (Wis. Stat. § 938.31(c)):

(a) The juvenile refused to respond or cooperate in the interrogation if a recording was being made.

(b) The statement was made in response to a question asked as part of the routine processing.

(c) The statement was made spontaneously and not in response to a question.

(d) 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.

(e) Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.

An officer conducting a custodial interrogation is not required to inform the subject of the interrogation that the officer is making an audio/visual recording of the interrogation (Wis. Stat. § 968.073(3); Wis. Stat. § 938.195(3)).

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Detective Division supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable and shall review any recordings when preparing summaries or reports.

600.3.2 INTERROGATIONS, INTERVIEWS AND QUESTIONING JUVENILES

All interrogations, interviews and questioning of juveniles will be conducted with full regard for principles of fundamental fairness and be so structured as to ensure the maximum protection of the juvenile's constitutional rights. Officers should exercise good judgment in accepting a waiver from a juvenile. The child's physical condition, age, intelligence, educational level, prior experience with the juvenile justice system and his/her ability to comprehend the meaning and effect of his/

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her statements should be carefully evaluated in each case. Advising a very young child (e.g. under 10 years) of his/her constitutional rights is probably a meaningless exercise.

600.3.3 INTERROGATION OF SUSPECTS IN SCHOOLS
All interviews or interrogations on school grounds and in school buildings will be conducted as discreetly as possible, preferably with the knowledge and assistance of the school administration. Before a custodial interrogation, the police officer shall, if applicable, advise the student of the nature of the crime of which he/she is suspected, that he/she has a right to remain silent, that anything he/she says may be used against him/her in juvenile or criminal court, that he/she has a the right to have an attorney present or a court appointed attorney if his/her parents cannot afford it and that the child or parent may stop the interrogation at any time. The school officials or parents cannot waive these rights on behalf of the student and it is the school official's responsibility, as well, to ensure that the student fully understands all of his/her rights. The officer will make an attempt to notify a parent/guardian after the interview is complete.

600.4 PERSONS WITH COMMUNICATION DISABILITIES
Upon the arrest of a person with a communication disability and before interrogation or the taking of his/her statement, the officer should make an interpreter available to that person.

600.5 FOLLOW-UP INVESTIGATIONS
Follow-up investigations on all cases are evaluated and assigned by the Detective Division supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

600.5.1 COLD CASE REGISTER
The Department shall maintain a confidential cold case register for offenses including homicides and felony sexual offenses that have remained unsolved for more than one year. As practicable, cold cases shall be revisited periodically for new information.

Maintenance of the cold case register and proper notification of the victim, victim's family or appropriate representative shall be in accordance with any applicable law.

600.6 MODIFICATION OF CHARGES FILED
Employees should consult with a supervisor prior to recommending to the District Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the District Attorney or City Attorney is not restricted. In all cases resulting in court prosecution, any intent by a member of the Department to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Deputy Chief or the Chief of Police or the authorized designee prior to taking action.

600.7 POLICY REVIEW
At a minimum, the Department shall biennially review the Eyewitness Identification of Suspects section in this policy. In developing and revising the Eyewitness Identification of Suspects section,

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the Department shall consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

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POLYGRAPH EXAMINATIONS

601.1 EXAMINER RESPONSIBILITIES

601.1 EXAMINER RESPONSIBILITIES

Polygraph examiners should avail themselves of career development opportunities. Any training opportunities that come to the attention of an examiner should be passed on to the examiner's supervisor. Examiners should also attend any necessary training to maintain their certification.

The examination room should be kept in a neat and clean condition. The room should be free of visual distractions, i.e. desk decorations, photos, wall decorations, etc.

Record Keeping and Equipment

- The polygraph examiner is responsible for the maintenance, safekeeping, and integrity of all polygraph equipment.
- Unless otherwise provided for in this policy or by State law, the polygraph examiner shall maintain electronic copies of each polygraph report, together with polygraph charts and all associated documentation, for a period of at least seven years. These electronic records shall be kept in the designated secure portion of the City of Eau Claire Information Systems Network.
- The Deputy Chief of Detectives will be responsible for having yearly quality audits conducted on the department's polygraph examinations. These audits should be accomplished through an outside expert.
- In pre-employment examinations, the Chief's Administrative Assistant shall maintain all records on the polygraph examination. These records shall be stored as separate records from criminal examinations. A copy of the summary report of pre-employment examinations should be sent to the City's Human Resource department, via the Chief's Administrative Assistant, for inclusion in personnel files.

601.2 ADULT EXAMINATIONS

Polygraph Use and Procedures

- It is the purpose of this policy to provide officers and others with general knowledge, guidance, and procedures for the use of polygraph examinations.

Philosophy

- The polygraph examination is a valuable investigative aid when used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements, obtain additional investigative leads, narrow or focus criminal investigations, or serve to screen candidates for positions with this or other criminal justice agencies, among other uses.

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601.2.1 JUVENILE EXAMINATIONS

The polygraph examination of a juvenile subject will be used as an investigative aid in the same fashion and for the same purposes as for an adult witness or suspect. The parents, guardian, or legal custodian of the juvenile will not be allowed to waive his or her 5th Amendment privilege against self-incrimination. Juveniles who are the subject of an investigation into offenses that could result in a delinquency finding, or waived to criminal court, will be advised of their right to refuse the examination and the right to counsel.

- The parents, guardian or legal custodian will be asked to sign a statement signifying that they have been apprised of the purpose of the examination, the general procedure for administering the test, the fact that they may NOT be present during the examination, that legal counsel for their child may be present in an observation room and whether or not they consent to the examination.
- The form must be signed before proceeding.

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Sexual Assault Investigations

602.1 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.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim confidential as allowed by law.

The Department shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct as allowed by law.

602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex offense shall inform the victim of all of his/her rights as outlined in the Victim and Witness Assistance Policy.

602.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within the last five days of the offense should consider, with the consent of the victim or a person authorized to act on behalf of the victim, requesting a medical examination of the victim to gather potential evidence and document the victim's current condition.

If a sexual assault is not reported within five days of the offense, the Department may still request a medical examination of the victim, provided consent is given by the victim or a person authorized to act on behalf of the victim.

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Confidential Informants

603.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Eau Claire Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

603.1.1 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)).

603.2 INFORMANT FILE SYSTEM

The West Central Drug Task Force supervisor or the authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

603.2.1 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) Informant's photograph

(g) Evidence that a criminal history check has been made

(h) 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.

(i) Name of officer initiating use of the informant

(j) Signed informant agreement

(k) Annual status review and update on active or inactive status of informant

The informant files shall be maintained in a secure area within the West Central Drug Task Force. 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

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could be used to question the integrity of members of the Eau Claire Police Department or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Deputy Chief, the West Central Drug Task Force supervisor or their authorized designees.

603.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the West Central Drug Task Force supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

603.3.1 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 Chief of Police or the authorized designee

603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the department Informant Establishment Report. The officer using the confidential informant shall discuss each of the Establishment Report with the confidential informant.

Details of the Informant Establishment Report are to be approved in writing by the West Central Drug Task Force supervisor before being finalized with the confidential informant.

603.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Eau Claire Police Department shall knowingly maintain a social or non-authorized business relationship or otherwise become intimately involved with a confidential informant. Members of the Eau Claire 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 Deputy Chief, the West Central Drug Task Force supervisor or their authorized designees.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

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(d) Informants shall be told they are not acting as police officers, employees or agents of the Eau Claire 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 the West Central Drug Task Force 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 the West Central Drug Task Force 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.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

603.5 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.

603.5.1 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

The West Central Drug Task Force supervisor will establish appropriate standards for the payment of informant rewards based on the factors listed above and with the approval of the WCDTF Oversight Committee. These standards will be adhered to by Investigators of the WCDTF unless exceptions have been made with the approval of the WCDTF Supervisor.

603.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants.

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A confidential informant may receive a cash amount for each quantity of drugs seized, regardless of whether assets are also seized. Any rewards based on information that leads to the seizure of drugs, drug proceeds, or other felony evidence will be established with the informant at the time the information is given. Any such rewards will be offered in observance with the above listed criteria and no guarantee will be given in regard to rewards for information that is not accurate.

The West Central Drug Task Force supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

603.5.3 PAYMENT PROCESS

The West Central Drug Task Force buy/expense petty cash fund is a petty cash fund managed by the West Central Drug Task Force 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 West Central Drug Task Force supervisor'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 Eau Claire Police Department case number shall be recorded on the cash transfer form.

603.5.4 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.

603.5.5 AUDIT OF PAYMENTS

At least once every six months the West Central Drug Task Force Oversight Committee or the authorized designee may 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.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Wis. Stat. § 175.50).

604.1.1 DEFINITIONS

- Blind Shuffle-Process where the suspects' photo is placed in an identical individual envelope as that of the Filler photos; then shuffled (mixed up) so that the showing officer does not know when the suspect will be shown.
- Fillers-Non-suspects (in-person or photographs) who are used for comparison purposes. At least five Fillers should be used in each Photo Lineup and four in Live Lineups. Increasing Fillers tends to increase the reliability of the procedure.
- In-Person Lineup-An identification procedure in which a suspect is placed in a live group setting with similar persons and presented to a witness.
- Photo Lineup-An identification procedure in which a suspect's photograph is placed in a group of other similar photographs and shown sequentially to a witness.
- Sequential Procedure-Process where an eyewitness views only one person/photo at a time and makes a decision either "that is the actor or that is not the actor".
- Show Up-When the police present a lone suspect to a witness or victim, so that the witness or victim might make an identification of the suspect as the perpetrator.

604.2 POLICY

- Officers generally should not include more than one suspect in each In-Person/Photo Lineup.
- Officers shall select Fillers that resemble the suspect. Officers shall include at least five (5) Fillers per Photo Lineup and four per Live Lineup. This amount may be reduced if there are not enough similar Fillers available. However, increasing Fillers tends to increase the reliability of the procedure.
- Officers shall not use the same Fillers in In-Person/Photo Lineups shown to the same witness when showing a new suspect.
- No writings or information concerning previous arrest(s) shall be visible to the witness during any identification procedure.
- Officers shall read and follow the instructions on "Eyewitness Instruction Sheet" or "Live Lineup Instruction Sheet", as applicable.
- Officers shall avoid saying anything to a witness that may influence the witness' identification of a suspect.

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- If a witness makes an identification, an officer should not make any statements that would either reinforce or discourage the witness's identification.
- Officers shall not display a suspect, or likeness (photograph, composite drawing or sketch), of a suspect, to more than one witness simultaneously. If multiple witnesses are to see such suspects or likenesses, they should be kept separated from each other.
- Witnesses, who have taken part in any identification procedure, shall not be allowed to express conclusions within earshot of another person who is about to be, or has been, involved in the same identification procedure.
- Officers shall not by word or gesture, suggest opinions to any witness that the suspect committed the crime.
- Officers shall place photos/suspects in random order. The suspect should never be in the number one position.
- Officers shall not tell witnesses how many photos/persons they are going to view.
- Officers shall not make reference that a suspect is in the group being shown.
- Officers shall use the Sequential Procedure when conducting an In-Person/Photo Lineup.
- Officers should never ask a witness to make a partial identification using a percentage. Officers shall document the exact words used by the witnesses to describe a "partial" identification, such as "probably", or "looks like but is different".
- Officers conducting an In-Person/Photo Lineup shall complete an In-Person/Photo Lineup Worksheet. Further, a supplemental report, which details the identification process and all pertinent statements, shall be completed.

604.3 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.

604.4 EYEWITNESS IDENTIFICATION FORM

- Shall only be conducted with the approval of a Detective Division Supervisor.
- Shall not be used when the following circumstances make it unwise or impractical:
    - The unusual appearance of the suspect mikes it difficult to find suitable persons to include in the lineup.

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  - The suspect is in custody at a location too far from the witness to make it practical.
- All non-suspects in the lineup shall be instructed to conduct themselves so as not to single out the actual suspect.
- If special gestures, stances, or utterances by the participants of a lineup are required, all participants should be given instructions to do so in the same manner and time frame as the suspect.
- Officers shall assemble the lineup, containing the suspect and at least four Fillers. All subjects should be kept out of view of the witness. Place the fillers and suspects in a pre-determined order, although a Filler should always be first. Present the lineup one person at a time, asking the witness, "Is this the person you saw (insert crime)?" after each person is presented. Follow all procedures if a positive response is received. Remove each person from view before the next person is presented.
- If a witness requests to view any one subject again, then the officer shall instruct the witness that all subjects will be shown. This must be documented.
- Photos shall be taken of the suspect and the non-suspect fillers that participate in the lineup. These photographs should be placed in Records with your report.
- If a suspect refuses to participate in an In-Person Lineup, consult a Detective Division Supervisor, who can then consult with the District Attorney.
- If a suspect has been charged in court with a crime, then the suspect has a right to an attorney. The suspect's attorney shall be allowed to observe the lineup, but may not obstruct or control the lineup. Any comments or suggestions by the attorney should be noted and documented in the supplemental report.

604.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

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604.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate photo lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photo and the fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

    1. The length of time the witness observed the suspect.
    2. The distance between the witness and the suspect.
    3. Whether the witness could view the suspect's face.
    4. The quality of the lighting when the suspect was observed by the witness.
    5. Whether there were distracting noises or activity during the observation.
    6. Any other circumstances affecting the witness's opportunity to observe the suspect.
    7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

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(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

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.

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Eau Claire Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Eau Claire 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 Eau Claire Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., 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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605.4 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.

605.5 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.

605.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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ELECTRONIC RECORDING OF CUSTODIAL INTERVIEWS

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for electronic recording and the associated use, management, storage, and retrieval of recordings of custodial questioning. Further, this policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest quality evidence possible is obtained from custodial interviews.

Electronic recording provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. To maximize the effectiveness of electronic recording and the integrity of audio and/or video documentation, officers assigned the use of recording devices should follow the operational objectives and protocols outlined in this policy.

606.2 DEFINITIONS

- Recorded Media: Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, jump drive, hard drive, etc.)
- Electronic Recording: A visual and/or audio recording using a digital or analog storage format.
- Digital Recording: An electronic recording typically stored on CD, DVD, or microchip.
- Analog Recording: An electronic recording typically stored on a VHS, cassette, or micro-cassette tape.

606.3 PURPOSE

Electronic recording is intended:

- To accurately capture statements and events during the course of a custodial questioning;
- To enhance the ability to document and review statements and actions for internal reporting requirements and for courtroom preparation and presentation;
- To capture visual and/or audio information for use in current and future investigations;
- To document acknowledgment of and rigid adherence to suspects' rights and the law;
- To allow the questioning process to become part of the investigation's collection of information, rather than simply a means to secure an admission or a confession;
- To allow the opportunity to review the process that led to the confession or admission; and
- To preserve the integrity of officers and the investigative process.

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606.4 RECORDING REQUIREMENTS AND RECOMMENDATIONS

(a) Statutes require recordings of any custodial questioning of a juvenile (persons under 17 years old) for an offense that would be a crime if prosecuted under state statutes.

(b) Statutes require recordings of any custodial questioning of an adult (persons 17 years old and older) for a crime that is a felony.

(c) When practical, (see "d" below) electronically record all custodial questioning. Recording should begin at the start of the process and continue without interruption until questioning ends.

(d) Recording may not be possible or practical if:

1. The recording device does not work and there is no other device reasonably available;
2. The officer operating the recording device inadvertently fails to operate it properly;
3. During the questioning, the recording device malfunctions without the officer's knowledge;
4. A person makes a spontaneous statement; or
5. Recording is not practical due to the minor nature of the case and/or the location of the contact.
6. The circumstances are prohibited by state law. (example - strip searches or body cavity searches)

(e) Continue to prepare written police reports and obtain written statements from suspects. Electronic recordings are not substitutes for reports or written statements of suspects.

606.4.1 NOTICE TO SUSPECT OR WITNESS

Officers are not required by law to inform adults or juveniles that they are being recorded.

Officers should use their discretion as to whether a particular suspect is likely to be inhibited by notice that they are being recorded.

The lack of consent to recording does not affect the admissibility of a recorded statement.

606.5 OPERATION OF EQUIPMENT

- Using caution with police radios; officers should ensure that the volume of other electronic devices do not interfere with recordings.
- Officers should not erase, alter, modify, or tamper with recordings. Only Records Personnel may erase and reissue previously captured recordings and even then may only do so pursuant to the provisions of this policy.

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- To prevent damage, original recordings should not be viewed in any equipment other than that which is authorized by the Director of Administration or someone acting under their direction.
- Recordings should be turned into Records; following standard procedures for filing case reports, unless special circumstances dictate otherwise.
- Except as previously noted, when recording equipment is activated to document an event, the equipment should not be deactivated until the event is concluded. If there is a need to deactivate a recording device prior to the conclusion of an event, the reasoning should be documented in the officer's report and, if possible, on the recording.
- Personnel are responsible for inspection and general maintenance of assigned/issued recording equipment. Malfunctions, damage, loss, or theft of equipment shall be promptly reported to a supervisor. If recording equipment fails or malfunctions, the equipment should immediately be turned into the Lieutenant of Special Services with a note explaining the nature of the malfunction.

606.6 DUPLICATION OF RECORDED MEDIA

- All recording media, recorded images, and audio recordings are the property of this department.
- Unauthorized dissemination, outside of this agency, is strictly prohibited without specific permission of the Director of Administration or someone authorized to approve releases by the Director.
- Officers needing to view a specific recording will find most on the department's computer network. For those not found there, assistance should be sought from the Records Technician.
- In no case should an officer copy or duplicate any recorded media. Requests for copies should be directed to the Records Technician.

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Detective Division Wellness Program

607.1 GENERAL POLICY

The Eau Claire Police Department Detective Division is tasked with investigating serious crimes. Types of crimes that are commonly investigated include child deaths, child abuse, child sexual assault, child neglect, and Internet-facilitated child exploitation. As a result, some personnel who are assigned to the Detective Division will be frequently exposed to descriptions of sexual assault of children, the physical abuse of children, and child neglect. Some Detective Division personnel will also be frequently exposed to text describing the sexual assault of children, images of child erotica, and video depicting the graphic sexual assault of children. The potential of negative emotional and stress-related physical effects on personnel is apparent.

The purpose of this policy is to establish a program to educate Detective Division personnel in order to promote resiliency in the face of exposure to real child maltreatment situations and child exploitation materials (CEM) necessarily exposed to in the normal performance of their jobs, and identify and address issues when the do arise.

607.2 DEFINITIONS

For the purposes of this policy, the following definitions apply:

(a) Detective Division personnel: Personnel in this category include sworn officers who are assigned on a full-time or part time basis to the Detective Division and/or the Chippewa Valley Regional Computer Forensic Laboratory (CVRCFL).

(b) Child maltreatment: Any suspected crime that involves the victimization of a child. This may include, but is not limited to death of a child, sexual abuse of a child, physical abuse of a child, and child neglect.

(c) Child exploitation materials (CEM): Text describing the sexual assault of children, images of child erotica, images of child sexual abuse and/or images and video depicting the graphic sexual assault of children.

(d) Exposed individuals: Any Eau Claire Police Department Detective Division personnel or officers affiliated with the CVRCFL whose responsibilities require them to frequently interview victims and/or witnesses of child maltreatment and/or view CEM.

(e) Mental Health Professional (MHP): A qualified mental health provider who can provide the following:

- Recommendations for care
- Training regarding self-care and management
- Education for supervisors, staff, family members and significant others
- One-on-one sessions for exposed individuals
- Understanding of the true nature and scope of child maltreatment and CEM
- Experience in dealing with law enforcement-related vicarious trauma

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607.3 CORE COMPONENTS

The following are core components of the Detective Division Wellness Program:

(a) Services of an Eau Claire Police Department contracted MHP will be made available for mental health consultation and, when needed, referral to an outside licensed mental health professional. This mental health service is provided confidentially and without fear of reprisals. Sessions may be open to participation from a supportive adult family member (upon confidentiality permission of the Deputy Chief of Detectives) if the employee feels that this would be helpful.

(b) Exposed members of the Detective Division will be required to meet with the contracted MHP two times per year as part of their duties. Meetings will include general mental health assessment, resiliency assessment (e.g., work/life balance and social support) and review of job-related stressors. The intent of these meetings is not to identify employees who are experiencing difficulties resulting from their work, but to provide a framework of consistent support.

(c) Voluntary consultation may be provided to the employee's spouse, significant other or support system in order to help them recognize the possible onset of any mental health or stress-related physical health issues resulting from exposure to accounts of child maltreatment and CEM. Information provided shall include the names of and contact procedure for reaching the contracted MHP and other resources.

(d) Resources for formal debriefings shall be provided following any large-scale child exploitation/child maltreatment investigation deemed particularly disturbing by an exposed individual or any critical incident that may affect the mental health of the members of the Detective Division.

607.4 FUNDING

Funding for the bi-annual wellness reviews will be provided by the City of Eau Claire. In instances where the identified MHP is a provider under the City of Eau Claire Employee Assistance Program (EAP), the primary funding source for the bi-annual wellness reviews will be through the City of Eau Claire EAP. Additional services or voluntary referrals outside the licensed MHP will be provided under City of Eau Claire EAP.

607.5 WELLNESS REVIEWS

The Eau Claire Police Department contracted MHP will conduct bi-annual wellness reviews of exposed Detective Division personnel. The contracted MHP will confirm with the Eau Claire Police Department Deputy Chief of Detectives that the exposed employee completed the wellness review. The general results, or conclusions, from these wellness reviews will remain confidential, except:

(a) If the contracted MHP concludes there is a serious risk of harm or danger to the individual or others if the specific facts are not disclosed.

(b) When failure to disclose the specific facts would expose the contracted MHP to civil or criminal liability or be inconsistent with professional ethics in their field.

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(c) If the employee has given written consent to the disclosure by the contracted MHP to the Deputy Chief of Detectives.

(d) VERY SPECIAL ATTENTION WILL BE GIVEN TO CONFIDENTIALITY.

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Chapter 7 - Equipment

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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 maintained by the training technician. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return completed by a supervisor or his/her designee.

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 shall conduct an appropriate investigation and direct a memo to the Special Services Lieutenant that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property 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 shall attempt to repair the property without prior approval of a supervisor.

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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 to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall 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 Eau Claire, 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 Deputy Chief.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

701.2 POLICY

The Eau Claire Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication.

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Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty.

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701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(b) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(c) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(d) Employees will not access social networking sites for any purpose that is not official department business.

(e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Wis. Stat. § 346.89). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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701.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

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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. Paperwork, describing the correction needed, shall be promptly 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 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact 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 EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 traffic safety vest

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- 1 hazardous materials emergency response handbook

702.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle shall ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at the city shops unless not feasible due to travel outside the city limits or city shops pumps are not functioning.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall advise the dispatcher before responding to the car wash.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

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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 Eau Claire to provide assigned take-home vehicles.

703.2 POLICY

The Eau Claire Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. 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 Shift Commander. 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 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

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703.3.5 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 Deputy Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 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.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 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.

703.3.10 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.

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703.4 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Commander on the shift assignment roster.

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 to the Shift Commander. An administrative investigation can 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.

703.7 USE OF SQUAD PUSH BUMPERS

Push bumpers may be used to push stalled or disabled vehicles from intersections or traffic lanes. This action will restore normal traffic flow, reduce the threat of injury to officers and civilians, reduce the chances for vehicle accidents, and allow officers to be free to respond to other calls.

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VEHICULAR SAFETY

704.1 GENERAL PURPOSE

The intent of the following policy and procedural guidelines is to provide department personnel information relating to the purpose of the department's Vehicle Safety Program as well as the role of the Safety Review Board.

704.2 DEFINITIONS

Preventable Crash - A crash where the operator failed to initiate proper avoidance action that could have prevented it.

Reportable Crash - Any crash involving a department vehicle or authorized private vehicle involving any employee while the operator is acting within the scope of their duties. Where there is no apparent damage to vehicles or objects struck, the Commanding Officer or their designee will have the option of having either an investigation report or State accident form (MV4000) completed by the officer involved or assigned to the case.

Damaged Vehicle - Any damage sustained as a result of vandalism or an "Act of God"; i.e., tree limb falling on vehicle, etc.

704.3 DUTIES OF AN EMPLOYEE INVOLVED IN A CRASH

- Notify the Commanding Officer and the Eau Claire Communications Center immediately upon being involved in a crash, if possible. A case number and time should be initiated.
- Assist the injured and protect the scene until you are relieved of said responsibilities.
- Cooperate with the investigation of the crash.
- Appear as directed before the Safety Review Board to review the facts relating to the crash you were involved in.
- Should the employee disagree with the findings of the Safety Review Board, they can appeal the findings.
    - Appeals are to be directed to the Chairperson of the Safety Review Board for consideration.

704.4 COMMANDING OFFICER'S RESPONSIBILITIES IN DEPARTMENTAL REPORTABLE CRASHES

- Personally direct or assign the investigation of all vehicular crashes involving police department vehicles and personnel.
- Notify the Chief of Police as soon as possible in the event that an employee is involved in a fatal or serious personal injury accident.
- Complete and submit an Accident Analysis Report to the Chief of Police.

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704.5 SAFETY REVIEW BOARD - OBJECTIVES

The objective of the Safety Review Board is to promote the safe and professional operation of police vehicles by reviewing facts relating to crashes and by making recommendations as to prevent future incidents under similar circumstances.

704.5.1 SAFETY REVIEW BOARD ORGANIZATION

- Sworn officers, Supervisors, and the Committee Chairperson, will be appointed to the Board at the discretion of the Chief of Police.
- The Board should consist of the following:
  - Three Supervisors, with no more than two of the same rank.
  - Two sworn Police Officers.

704.5.2 DUTIES OF SAFETY REVIEW BOARD CHAIRPERSON

- Schedule quarterly Safety Review Board Meetings. Adjustments are discretionary giving consideration to factors that may be cause for delay.
- Notify personnel involved.
- If board members are absent, allow for substitution of member of equal rank (if possible).
- Conduct Board meetings.
- Secure a ruling of preventable or non preventable crash.
- Vote only to break a tie.
- Submit the Board findings and recommendations to the Chief of Police within five working days of the Board Meeting.
- Notify the individual of the Chief's findings.
- Appeals will be forwarded to the Chief of Police if the Chairperson of the Safety Review Board is unable to resolve the appeal.
- Handle all administrative functions of the Board.
- Maintain a file on all department vehicular crashes.

704.5.3 DUTIES OF SAFETY REVIEW BOARD MEMBERS

- Report at the time and place designated by the Board Chairperson.
- Consider all facts in each case.
- Vote on the decision of preventability or non preventability.
- Maintain confidentiality of deliberations, giving consideration to equitable treatment and maintenance of credibility.

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- Reconsider all appeals in the same manner.
- Utilizing the following guidelines make recommendations for action based upon each incident to the Chief of Police.
    - Cite an employee for any violation of Chapter 346, Wisconsin Statutes, if the Safety Review Board determines that a violation has been committed.
    - As an alternative to citing on a chargeable crash, recommend one or more of the following.
        - Issue a warning.
        - Recommend that no action be taken.
    - In cases where the Board recognizes the possibility that a violation of policy exists, that case will be forwarded to the Chief of Police without comment or recommendation by the Board, however, the Board will cite the perceived departmental rule/regulation infraction to be considered.
    - For a non chargeable preventable accident recommend that the officer's Commanding Officer discuss ways to improve the officer's driving habits and that the Commanding Officer shall file a written summary of the discussion with the Chairperson of the Safety Review Board, in a timely fashion.
    - In addition to, or as a substitute for, any of the above actions, recommend the employee's attendance at a driver training school or other action deemed appropriate for safety improvements.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Communications

801.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

801.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Eau Claire Police Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

801.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Communications Center and officers.

801.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The dispatcher will determine the call type, location and priority by asking the four key questions:

- Where?
- What
- When?
- Who?

A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers should be courteous, kind, patient and respectful in dealing with the public.

Emergency calls should be dispatched immediately. The Shift Commander shall be notified of pending calls for service when units are unavailable for dispatch.

801.2.2 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and noncriminal service or self-initiated activity. Members shall attempt to elicit, record and share as much information as possible to enhance the safety of the officer and assist

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in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Date and time of request
- Name, address and telephone number of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of any officer assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Status of reported incident

801.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases.

801.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Members should use their entire call sign when calling the Communications Center or another unit. The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

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Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

802.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. The Property Technician reports to the Director of Administration and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the Property Technician and the Director of Administration. The Property Technician and the Director of Administration shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the Property Technician must be accompanied by the Property Technician or the Director of Administration and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

802.2 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 - 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

802.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence

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shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner 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.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty. Members booking property shall observe the following guidelines:

(a) Complete the property label describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall package each item of evidence and mark with initials and date.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(e) The original property form shall be submitted with the case report.

(f) When the property is too large to be placed in the temporary property locker it shall be placed in the property cage.

802.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately.

The officer seizing the controlled substances shall place them in the designated temporary property locker. The property form will be submitted with the case report.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility.

Fireworks that are considered stable and safe and road flares or similar signaling devices may be properly disposed of in water and then disposed of by the property technician. All flammable items shall be stored in proper containers and in an area designated for the storage of flammable materials.

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802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(c) License plates found not to be stolen or connected with a known crime should be released directly to the Property Technician.

(d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Technician or placed in the bicycle storage area until a Property Technician can log the property.

(e) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.

(f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

(g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.4 PACKAGING OF PROPERTY

All property should be packaged in compliance with Wisconsin Division of Criminal Investigations standards or standards set by this department.

Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)

(c) Property with more than one known owner

(d) Drug paraphernalia

(e) Fireworks

(f) Contraband

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(g) Biohazards

(h) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery

802.4.1 PACKAGING CONTAINER
Members shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING CONTROLLED SUBSTANCES
The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Controlled substances shall be packaged in an envelope of appropriate size, available in the report room. The booking officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected controlled substance in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded on the back of this tag.

802.4.3 RIGHT OF REFUSAL
The Property Technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property Technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

802.5 RECORDING OF PROPERTY
The Property Technician receiving custody of evidence or property shall enter information into the property module for each piece of property received. The Property Technician will record his/her signature, the date and time the property was received and where the property will be stored.

A property module shall be maintained and a unique property number created for each piece of property received. The property module shall record, by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number

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shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag.

Any changes in the location of property held by the Eau Claire Police Department shall be noted in the property module.

802.6 PROPERTY CONTROL

Each time the Property Technician receives property or releases property to another person, he/she shall enter this information into the chain of custody book. Officers desiring property for court shall contact the Property Technician at least one day prior to the court day.

802.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time in the chain of custody book and the request for laboratory analysis.

Any transfer of evidence to the crime laboratory requires:

(a) The name and contact information of the person submitting the evidence.

(b) Appropriate packaging and conveyance of evidence to the laboratory.

(c) Necessary documentation accompanies evidence at time of transmittal.

(d) Adequate receipts and signatures to support chain of evidence.

(e) Written request that lab results be returned in writing.

The Property Technician releasing the evidence must complete the required information in the chain of custody book and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the chain of custody book, stating the date, time and to whom it was released.

The Property Technician shall obtain the signature of the person to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

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The return of the property should be recorded in the chain of custody book, indicating date, time and the person who returned it.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Property Technician shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Detective Division shall authorize the disposition or release of all evidence coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Property Technician shall, upon the request of the owner:

(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

802.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken unless the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in related reports.

A Property Technician shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property label. After release of all property entered in the property module.

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Upon release or other form of disposal, the proper entry shall be documented in the property logbook.

802.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or otherwise establishes undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

802.6.7 CONTROL OF CONTROLLED SUBSTANCES
The Property and Evidence Section will be responsible for the storage, control, and destruction of all controlled substances coming into the custody of this department, including paraphernalia as described in Wis. Stat. § 961.571(1)(a).

802.6.8 RELEASE AND DISPOSAL OF FIREARMS
A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

802.7 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 Property Technician shall request a disposition or status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or investigator.

Upon any release or sale of any property, the proper notation shall be made in the property module and in the property logbook. Proceeds from the sale of unclaimed property shall be deposited into the City treasury, minus reimbursement for department expenses.

802.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances

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- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any property used in the commission of a crime

802.7.2 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section 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 Division supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Section 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 Detective Division 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.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

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(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Detective Division supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Section 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 Detective Division 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.

802.7.4 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after one year or one year after final disposition of the case, the money is presumed abandoned property (Wis. Stat. § 177.13).

802.8 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

An annual audit of evidence held by the Department shall be conducted by the Director of Administration. The audit will consist of all firearms, money and some drugs.

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Records

803.1 PURPOSE AND SCOPE

The Director of Administration and/or Records Technician supervisor shall maintain the department Records Section procedures on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all members of this department are contained in this chapter.

803.2 FILE ACCESS

No members of the department shall access official records of this department or any other department unless he/she is acting in his/her official capacity and access to the official record is necessary for specific job related needs.

Members of the department shall not access any official record for personal use. Members of the department wishing to obtain an official record for personal use shall follow the same guidelines set for the general public which is defined in State Statute(19.21-19.39) on open record requests.

Eau Claire 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.

803.3 PROCESSING OF REPORTS

Reports that require special processing include:

(a) Completed domestic abuse reports and investigations. These shall be immediately forwarded to the District Attorney for review (Wis. Stat. § 813.12; Wis. Stat. § 968.075(4)).

(b) Completed emergency detention statements. These shall be filed with the detention facility at the time of admission and with the court immediately thereafter (Wis. Stat. § 51.15(5); Wis. Stat. § 55.135).

803.4 RECORDS MANAGER TRAINING

The Director of Administration and/or the Records Technician supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

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Records Release and Security

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a reference and procedure for the security and release of department public records in accordance with the Wisconsin Public Records Laws (Wis. Stat. § 19.31).

This policy does not prevent the Department from voluntarily making part or all of specific records available to the subject of the record or to the public unless disclosure is expressly prohibited by law or the information is classified as confidential or private (Wis. Stat. § 19.36(1)).

The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

804.1.1 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(1); Wis. Stat. § 19.33(4)).

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(2)).

Record subject - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32(2g)).

804.2 PUBLIC REQUESTS FOR RECORDS

Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions established by statute.

The Department will prominently display a sign that describes the rights of a person who requests public information, the responsibilities of the Department and the procedure to request information. It also should include the cost of inspecting or obtaining copies. Access to view or obtain copies of public records shall be made available during the regular business hours that the public lobby is open (Wis. Stat. § 19.34(1); Wis. Stat. § 19.34(2)(a)).

804.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials may request to inspect records of this department by submitting a request for each record sought and paying any associated fees (Wis. Stat. § 19.35(3)).

The processing of requests is subject to the following:

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(a) The member processing the request 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 non-disclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).

(b) If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified in writing of the delay.

(c) In accordance with Wis. Stat. § 19.35(1)(L), the Department is not required to create records that do not otherwise exist in order to accommodate a public records request (Wis. Stat. § 19.35(1)(L)).

(d) Requests by elected officials or other government agencies for records that are not open to public inspection should be referred to the Director of Administrationor his/her designee for a determination as to whether the records will be released.

804.2.2 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).

804.2.3 SEPARATION OF INFORMATION

If a record contains both public and non-public information, the public information that is subject to disclosure shall be provided and the non-public information not subject to disclosure shall be deleted from the record before release (Wis. Stat. § 19.36(6)).

804.2.4 NON-PUBLIC RECORDS

Grounds for denying public access to a record may include but is not limited to (Wis. Stat. § 19.35(1)(am)):

(a) 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.

(b) Any record containing personally identifiable information that, if disclosed, could result in:

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.

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4. 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.

(c) Except as otherwise provided by law, whenever federal law or regulations require or as a condition to receipt of aids by this state require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access, then that information is exempt from disclosure (Wis. Stat. § 19.36(2)).

(d) Requests for information that the Department believes is classified, restricted, confidential or private and wishes to withhold from the public and that is not specifically allowed by statute or judicial decision may be sent to the City Attorney for a decision.

804.2.5 DENIED REQUESTS

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)).

If a record is withheld, the requestor may pursue and bring an action for mandamus either through the court or the district attorney or attorney general to require production of the records sought (Wis. Stat. § 19.37(1)).

804.2.6 RECORDS DESTRUCTION

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Department receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

804.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records or unrestricted portions of such records of this department may be made public subject to the following restrictions.

804.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

(a) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information

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that would endanger the successful completion of the investigation or a related investigation shall not be made public (Wis. Stat. § 19.36(8)):

1. Analysis and conclusions of investigating officers may also be exempt from disclosure.
2. If it has been noted in any report that an individual wishes to protect his/her right to privacy under the Wisconsin Constitution, such information may not be subject to public disclosure.

(b) **Specific crimes** - Certain types of reports involving, but not limited to, the records of children and juveniles who are subjects of investigations or other proceedings pursuant to Wis. Stat. Chapter 48 and Chapter 938 except as provided in Wis. Stat. § 48.396(1), Wis. Stat. § 48.396(1b), Wis. Stat. § 48.396(1d), Wis. Stat. § 48.396(5), Wis. Stat. § 48.396(6), Wis. Stat. § 938.396(1), Wis. Stat. § 938.396(1j) and Wis. Stat. § 938.396(10).

(c) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

804.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

804.3.3 TRAFFIC CRASH REPORTS

Traffic crash reports and related supplemental reports shall be subject to release to those persons authorized pursuant to Wis. Stat. § 346.70(4)(f) and subject to any fee required.

804.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records that would involve personal privacy shall not be made public (Wis. Stat. § 19.36(10)).

If a personnel record, or any portion thereof, containing personal information is released, the Department shall notify the affected member 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, a member 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 a member may commence an action seeking a court order to restrain the Department from providing access to the requested record (Wis. Stat. § 19.356(4)).

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The Department shall not provide access to the requested record within 12 days of sending a notice to a member pertaining to that record. In addition, if the member 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 member that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

804.4 SEARCH WARRANT RECORDS

Search warrants are confidential and shall be kept confidential until their execution (Wis. Stat. § 968.21).

804.5 JUVENILE RECORDS

Records of children shall be kept separate from records of adults and shall not be open to inspection or their contents disclosed except as provided by law or by order of the court (Wis. Stat. § 938.396(1); Wis. Stat. § 48.78; Wis. Stat. § 48.396(1); Wis. Stat. § 938.78).

804.6 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of the court or evidentiary rules relating to privilege or to the security of the electronic technology systems used by the Department.

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public’s interest in accessing such record is outweighed by the need for nondisclosure.

Any record created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

804.6.1 PERSONAL IDENTIFYING INFORMATION

Members shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver's license record, motor vehicle record or any department record 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).

804.7 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to a supervisor 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.

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All questions regarding compliance with any subpoena duces tecum should be promptly referred to the City Attorney or other legal counsel for the Department so that a timely response can be prepared.

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Protected Information

805.1 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 Eau Claire 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.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Eau Claire 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.

805.2 POLICY

Members of the Eau Claire 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.

805.3 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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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Eau Claire 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.

805.4.1 TIME AGENCY COORDINATOR

The Training Technician is the designated TIME Agency Coordinator for the Eau Claire Police Department. The coordinator is responsible for ensuring compliance with this procedure, the TIME system's policy and operational procedures, and with applicable records security regulations and requirements imposed by federal and state law. The TIME Agency Coordinator will resolve specific questions that arise regarding authorized recipients of CHRI. The TIME Agency Coordinator will be in charge of maintaining documents and logs as required by the TIME policy.

805.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester has a right and need to know.

(a) TIME Agency Coordinator

(b) Director of Chief's Staff

(c) Full-time members of the Records Section

(d) Communications Center staff

(e) Personnel specifically designated in writing by Deputy Chiefs with the concurrence of the TIME Agency Coordinator.

805.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

CHRI should generally not be transmitted by radio to field personnel except in cases where circumstances reasonably indicate that the safety of an officer or the public is at risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or a situation involving an armed suspect. However, a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

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805.4.4 PREREQUISITES PRIOR TO DISSEMINATION OF RECORDS

This department should not disseminate any record of criminal history without first making inquiry in the TIME system to obtain the most current and complete information available, unless:

(a) The information is needed for a purpose in the administration of criminal justice for which time is essential and the TIME system is unavailable within the required time period.

(b) The full information requested and to be disseminated relates to specific facts or incidents which are within the direct knowledge of an officer, agent or member of the agency that disseminates the information.

(c) The information requested and to be disseminated was received from the TIME system within 30 days before the information is disseminated.

(d) The statute, executive order, court rule or court order under which the information is to be disseminated refers only to information in the files of the agency that makes the dissemination.

(e) The information requested and to be disseminated is for the express purpose of research, evaluation or statistical activities to be based upon information maintained in the files of the agency or agencies from which the information is sought.

(f) The information is otherwise required to be disseminated by law.

805.4.5 AUTHORIZED RELEASE OF CHRI

This department is not the custodian of CHRI contained in the TIME system. Any public access request for release of such records should be made to the custodian of those records, such as the Wisconsin Department of Transportation and Wisconsin Crime Information Bureau.

All requests for CHRI shall be forwarded to the Records Section or the office of the TIME Agency Coordinator to be disseminated pursuant to state and federal law. However, CRHI may be disseminated by authorized personnel:

(a) Among agencies that maintain a system for the mutual exchange of criminal records.

(b) Among agencies to administer the system of criminal justice, including the furnishing of information by a law enforcement agency to a district attorney.

(c) To the Wisconsin Crime Information Bureau.

805.5 RELEASE OR DISSEMENATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Director of Administration for information regarding a formal request.

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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 Section to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 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.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 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).

805.6.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization’s records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

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805.7 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.

805.7.1 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization's records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

805.8 MISUSE OF RECORDS

Members shall not access CHRI until a background investigation has been completed and approved.

Members shall not obtain, or attempt to obtain, information from department files or other source other than that to which they are entitled in accordance with his/her official duties.

Disseminating the content of any criminal record except as provided in this policy and to anyone other than authorized personnel is a violation of the Conduct Policy.

Members shall not process or release CHRI until the training program prescribed by the TIME Agency Coordinator has been completed.

805.9 TRAINING PROGRAM

The Special Services Bureau shall coordinate training in the proper use, control and dissemination of CHRI at least every two years.

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Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

The collection, preservation, transportation and storage of computers and related equipment requires specialized training and handling to preserve its value as evidence. If it is anticipated that computer evidence or equipment will be seized, officers should request that certified computer forensic examiners assist in seizing computers and related evidence.

806.3 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD), such as cellular phones, Personal Data Assistants (PDA) or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert or Technical Services Unit member. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until the devices can be examined. If the batteries go dead, all the data may be lost.

806.4 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

806.4.1 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

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(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

806.5 RETURN OF SEIZED STORAGE MEDIA

Contraband, including illegal images, stored on digital storage media (hard drives, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices, PCDs and PDAs or other handheld devices) shall be removed by a computer forensic examiner or other qualified personnel prior to return to the owner.

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Animal Control

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Community Service Officers and Eau Claire Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances (Wis. Stat. § 173.01 et seq.).

807.1.1 TRAINING

Community Service Officers shall successfully complete required basic animal control training.

807.2 ANIMAL CONTROL OFFICER RESPONSIBILITIES

The Community Service Officer shall be responsible for enforcing and investigating local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy (Wis. Stat. § 173.07). Specifically, the Community Service Officer is assigned the tasks necessary for day-to-day animal control responsibilities including, but not limited to, rabies control and crimes against animals (Wis. Stat. § 173.03(3); Wis. Stat. § 95.21; Wis. Stat. § 951.01 et seq.).

The Community Service Officer shall be under the operational control of the Patrol Division. The Community Service Officer's assigned working hours will be scheduled by the Community Service Officer supervisor. During hours when the Community Service Officer is on-duty, requests for animal control services shall be assigned by the Communications Center.

Requests for assistance by the Community Service Officer shall be acknowledged and responded to promptly.

807.3 OFFICER RESPONSIBILITIES

During hours when the Community Service Officer is off-duty, or if the Community Service 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 for the following animal-related calls for service:

(a) When there is a threat to public safety.

(b) When an animal has bitten someone. Officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

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807.3.1 ANIMAL CRUELTY COMPLAINTS

A Community Service officer shall conduct a preliminary investigation on all reports of animal cruelty. Officers shall not hesitate to take any immediate actions deemed necessary (Wis. Stat. § 173.10). The assistance of officers may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case pursuant to Wis. Stat. § 173.23.

807.3.2 STRAY DOGS AND OTHER ANIMALS

If the dog has a license or can otherwise be identified, the owner should be contacted, if reasonably possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the animal shelter if it is open or to the holding pens, making sure the animal has food, water and bedding.

Animals that are unwanted, untagged, mistreated, running at large, are in violation of an ordinance, or are required to be quarantined or delivered by a veterinarian may be impounded pursuant to Wis. Stat. § 173.13 and Wis. Stat. § 174.042(3).

The Community Service Officer or officer taking an animal into custody shall make a reasonable effort to identify and locate the owner.

(a) If the animal was taken into custody with the owner's knowledge, the Community Service Officer or officer shall explain the procedure by which the owner can recover the animal (Wis. Stat. § 173.13(3)(a)).

(b) If the animal was taken into custody without the owner's knowledge, the Community Service Officer or officer shall promptly notify the owner in writing or by phone regarding the procedure to recover the animal (Wis. Stat. § 173.13(3)(b)).

Release of impounded dogs requires a fee be paid. Releases will be handled by the Humane Association.

807.3.3 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to a Community Service Officer for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property if the owner has proof of current rabies vaccinations. If the owner does not have proof of vaccinations the owner will be instructed that a veterinarian quarantine is necessary. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately (Wis. Stat. § 95.21(4); Wis. Stat. § 95.21(5)).

807.4 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 or responsible handler. When the owner or responsible handler 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:

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(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 and Qualification Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Shift Commander.

(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 Community Service Officer is off-duty, the information will be forwarded for follow-up.

807.5 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

807.6 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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Chapter 9 - Custody

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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 Eau Claire 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 when practicable.

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900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Eau Claire Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

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.

900.5 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).

No person held at any Eau Claire Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention, or is concealing a weapon or contraband. Probable cause to believe the person is concealing a weapon or an item that may constitute evidence of the offense for which the person is arrested is required if the person is arrested for a violation of state law punishable by forfeiture, any local ordinance, or a misdemeanor offense other than the following list of offenses that involve weapons or violence:

- Wis. Stat. § 167.30(1)
- Wis. Stat. § 940.19
- Wis. Stat. § 941.20(1)
- Wis. Stat. § 941.23
- Wis. Stat. § 941.237
- Wis. Stat. § 941.24
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

   1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

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(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 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Commander authorization does not need to be in writing.

900.6 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 written approval of the Shift Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, physician's assistant or registered nurse may conduct a physical body cavity search.

(c) Except for the physician, physician's assistant or registered nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the 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.

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(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 Shift Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and a copy shall be provided to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Training Technician 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.

900.8 TRAINING

The Training Technician shall ensure members have training in, at a minimum (28 CFR 115.115):

(a) Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.

(b) Conducting cross-gender searches.

(c) Conducting searches of transgender and intersex detainees.

900.9 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)).

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Chapter 10 - Personnel

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PERSONNEL RESPONSIBILITIES

1000.1 CHANGE OF ADDRESS

Members of the department shall report any changes in address, permanent domestic status, or telephone number within twenty four (24) hours after making such changes by promptly submitting such information on an Officer's Report to the Chief's Office and Commanding Officer. All members of this department shall maintain some form of telephone communications, i.e. land line, cell phone, etc. In the event an officer is unable to obtain a telephone promptly, after having changed their residence, they will notify their Commanding Officer of a telephone number at which they may be reached in cases of emergency.

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Reporting of Employee Convictions

1001.1 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 Training technician 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 Training technician 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).

1001.2 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.

1001.3 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.

1001.4 REPORTING PROCEDURE

All members of this department shall promptly notify their immediate supervisor of any 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 shall further promptly notify their immediate supervisor if the member 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.

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Alcohol and Drug Use

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1002.1.1 DEFIINITIONS

Supervisor - Employees assigned to a position having day-to-day responsibility for supervising subordinates, or responsible for commanding a work element.

Chemicals - As used within this policy and related reports or documents are narcotics, prescribed & non-prescribed drugs, controlled substances, as defined and prohibited under Wisconsin Statutes, Chapter 961, and alcohol; including, but not limited to: amphetamines, barbiturates, cocaine, THC (marijuana), alcohol (ethyl), opiates (codeine, morphine, heroin), and PCP to name a few, but is not meant to be all inclusive or exhaustive. Inclusive of the foregoing is Chapter 961 of the Wisconsin State Statutes for definition purposes.

Chemical Screening - The production or submission of breath, urine, or blood by an employee in accordance with departmental procedures for chemical analysis to detect the presence of chemicals within the specimen.

Reasonable Individualized Suspicion (FOR CAUSE) - A basis predicated upon cause, upon which employees will be required to undergo a chemical screening. Reasonable individualized suspicion shall be based on objective facts that the employee is using or is under the influence of a chemical in the workplace based upon the observations and investigation of two (2) supervisors. (It is the Chief's Staff's position that performance is or could be affected by an individual using or being under the influence of chemical substances within the workplace).

Probationary Employee - For the purpose of this policy only, a probationary employee shall be considered to be any person who is conditionally employed as a new-hire with the department.

Promotion - A change in assignment to a supervisory position or an increase to a higher supervisory rank.

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1002.3 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 consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is

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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).

1002.3.1 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.

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.

1002.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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).

1002.5 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.

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1002.5.1 CHEMICAL SCREENING PROCEDURES

Each employee shall be interviewed by testing personnel prior to any test in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result. All testing shall be done at a medical site. If required, the employee shall sign any consent forms for the purpose of obtaining the specimen of blood or urine and the release of the results to the Eau Claire Police Department, namely the Chief of Police or their authorized designee. By signing the consent form, the employee does not waive any claims or cause of action on their part as permitted by law or collective bargaining agreement currently in effect. Trained, qualified, medical personnel shall monitor the collection of blood or urine (i.e. doctor, nurse, or medical technician). Direct observation of a urine sample will occur only under two circumstances:

- When it is believed that the sample is being tampered with; or
- When it is believed in the medical person's opinion that the physical safety of the person giving the sample is in jeopardy.

Medical personnel or nurse's aides/orderlies of the same sex as the person submitting the sample shall make such observations. The temperature of the urine specimen should be taken as soon as the person collecting the sample has received the sample. Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately, under direct observation of the testing personnel. The trained, qualified person accepting the specimen shall then immediately seal and label the vial(s) in the presence of the employee. When appropriate (i.e., cases of reasonable individualized suspicion), this information shall be made part of the supervisor's reports in the matter. All specimens collected for screening purposes will be maintained in a chain of custody with documentation of it to ensure the integrity of the specimen. The medical person collecting the specimen(s) shall maintain custody of the specimen(s) until transferred to the United States Postal Service under certified mail, a bonded courier, or a laboratory courier service for delivery to the approved testing facility.

SPECIMEN AMOUNTS REQUIRED

A minimum of 60 MILLILITERS OF URINE and/or a minimum of 20 MILLILITERS OF BLOOD shall be required for Chemical Screening from each involved employee. These requirements will afford sufficient amounts of the specimen for Department testing and that of an employee should they desire a re-test. A breath sample sufficient to meet intoxilizer requirements shall be provided, if this test is administered. It is recognized that under certain conditions, an employee may be unable to immediately provide a urine specimen. Under these conditions, the employee and the medical person collecting the specimen shall wait until the specimen is provided. When an employee is relieved of duty under the provisions of this policy, the department shall make reasonable efforts to ensure the safe return of the employee to their residence. Within three working days (excluding Saturdays, Sundays, and holidays) following a confirmed positive test, an employee may request a secondary test be run at a second certified laboratory. The directive shall be in writing to the Chief of Police, naming the laboratory of the employee's choice. The sample custody chain shall

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be maintained by the participating laboratory and shall not be accessible to the employee, city, or agent of either. In addition, they shall have access to only one-half of the remaining portion of the specimen in the custody of the Department's testing facility. Costs for the requested secondary screening shall be paid by the city up to the cost of the initial screening and gas chromatograph test. The employee shall incur the remainder of the expense for the secondary screen. Upon receipt by the Chief of Police, a written copy of said employee's re-test results should immediately be forwarded to the home address of the involved employee.

1002.5.2 METHODOLOGY

The department's testing facility shall be certified/accredited by and participate in proficiency testing programs with the National Institute on Drug Abuse and the College of American Pathologists and/or American Association of Clinical Chemists.

The Eau Claire Police Department shall retain the right to inspect said facility at any time to ascertain compliance with its established requirements, integrity of the testing process, methods of testing, and the credentials of technicians utilized in the testing process. This includes the department submitting test samples from time to time of a known factor to ascertain the quality of analysis. The rights expressed in this paragraph also apply to the affected bargaining groups, who shall be responsible for all costs incurred by them.

1002.5.3 SCREENING AND CONFIRMATION PROCEDURES

The following procedures shall be used for screening and confirmation by the Department's laboratory. All initial and confirmation tests shall be at the expense of the department.

All INITIAL SCREENING of urine or blood shall be done by ENZYME MULTIPLIED IMMUNOASSAY (EMIT PANELS) and (TLC)-THIN LAYER CHROMATOGRAPHY or COMPARABLE TESTS. All initial positive screening shall be CONFIRMED by GC (GAS CHROMATOGRAPHY) and MS (MASS SPECTOMETRY).

1002.5.4 POSITIVE CHEMICAL SCREENING RESULTS

Confirmed positive tests reflecting concentrations at or above those recognized, as acceptable thresholds by the National Institute on Drug Abuse, shall be considered a positive test.

All confirmed positive specimens should be retained at the City's authorized laboratory for a minimum of six months. Employees who have a separate test conducted at a laboratory of their choice shall also be required to retain their specimen for a minimum of six months. The Department or the employee may extend the retention period of any specimen as desired. Additional costs shall be borne by the party making the request.

The Department may, upon confirmation of a positive chemical test result of an employee on-duty, immediately suspend, or otherwise discipline them.

If the employee is using medication in accordance with the prescription given by their physician or in the manner prescribed by the manufacturer, in the case of non-prescription drugs, there shall be no disciplinary action by the department.

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However, the involved employee may be withheld from the workplace until such time as they present the department with written documentation that they consulted their physician, who has, if necessary, corrected their prescribed and/or non-prescribed medication and certified that the employee is fit for duty. This section pertains only to cases of a confirmed positive test of an employee for chemicals.

1002.6 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.

1002.6.1 DEPARTMENT ACTIONS

While the Department seeks to identify and assist those employees that have a chemical related problem, it must not lose sight of the safety risks involved in employing these individuals. Disciplinary action may be taken against any employee found to be under the influence or in possession of chemicals within the workplace not in compliance with the policy and procedures. However, the extent to which discipline is applied will depend on the factors indicated below, which will be considered by the Chief of Police in prescribing a disposition of the matter.

- Type of violation
- Severity
- Prior violations of like nature
- Prior service record
- Willful defiance/ignorance/carelessness
- Voluntary self-report
- Severity of violation may invoke "dismissal" at any point, regardless of the number of prior violations of a like nature.

On any administrative action applied, Employee Assistance Program (EAP) counseling and follow-up may be part of the action imposed by the Chief of Police.

Any and all assistance rendered under an EAP shall be closely monitored. This may include, but is not limited to:

- Further assessment of the employee by qualified persons
- Treatment of the employee by a recognized facility or person
- Release of information to the Chief of Police on the progress and treatment of the employee, upon consent of the employee (CONFIDENTIAL)

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- Process of after care treatment with possible random screening for a period of up to one year after initial treatment. Random screening, under these conditions, can occur up to twice within a calendar month. This is to ascertain compliance with said treatment and the objectives of the department relevant to this issue. If the employee fails to avail themselves of provided assistance for any of the following reasons, the employee shall be considered a safety hazard to the Department, public, and co-workers:
- Fails to make reasonable progress in counseling or treatment in a reasonable time as determined by E.A.P. or treatment personnel
- Continues in a substandard manner
- Continues to be under the influence of chemical in the workplace Any or all of these shall result in corrective disciplinary action up to and including termination of their employment. When an employee refuses to submit to a chemical screening based upon "reasonable individualized suspicion," the Chief of Police or their designee shall be immediately notified. If warranted by existing factors, the supervisor conducting the investigation and testing may relieve the employee from duty. Suspension will be with pay, pending review by the Chief of Police.

Discipline of employees for violation of this policy shall be in accordance with due process rights of the employee, state law, and any applicable collective bargaining agreement.

1002.7 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.

(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.

1002.7.1 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 in writing 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.

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1002.7.2 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.

1002.7.3 ADDITIONAL SCREENING TESTS

Screening Upon Employment -

All candidates offered employment shall be required to submit to a chemical screening as part of the post offer hiring requirements. Any candidate refusing to submit or having a confirmed positive test for nonprescribed illegal drugs or prohibited controlled substances may be disqualified.

Screening During The Probationary Period -

All probationary employees shall be required, as a condition of employment, to participate in one unannounced chemical screening during the probationary period. Refusals or confirmed positive tests may invoke dismissal from the department.

Chemical Screening Upon Promotion - As part of the process, an employee selected for promotion shall be required to submit to a chemical screening. To refuse to do so may remove the employee from the promotional process. A confirmed positive test may remove the employee from being eligible for the promotion and shall be dealt with as determined by the Chief of Police, in accordance with the other provisions of this policy.

Chemical Screening for Special Assignment -

- In order to maintain the integrity of an affected unit, its personnel, and the department, as a condition of acceptance and prior to assignment to primary duties of narcotics/vice investigation or the regular handling of drug evidence, an employee shall submit to a chemical screening.
- Refusal to submit to screening may remove the employee from consideration for the assignment.
- One random test shall be performed during each calendar year of the special assignment. This will be in addition to any testing conducted or provided by any other law enforcement organization.
- This section is to include, but is not limited exclusively to: MEG Unit assignment, Detective Division assignment to primary drug/vice investigation, other undercover drug investigation assignment, the Property technician position, the K-9 Officer, and other personnel assigned to the property function on a regular basis. Any confirmed positive result shall be dealt with as determined by the Chief of Police in accordance with the other provisions of this policy.

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For the purposes of this policy, an "assignment" shall be an appointment, which is expected to exceed 30 calendar days.

Chemical Screening Based Upon Reasonable Individualized Suspicion -

Screening shall occur only when two (2) supervisors determine that reasonable individualized suspicion exists that an employee is using or is under the influence of a chemical in the workplace. Documented reasonable individualized suspicion shall require the employee to submit to a chemical screening. The two (2) observing supervisors shall consider whether any or all of the following factors exist, or whether any other reasonably pertinent factors are present, in making a determination whether reasonable individualized suspicion exists:

- Obvious impairment, odor of intoxicants, speech, and appearance;
- Performance problems, acts and/or omissions;
- Change in behavior or loss of judgement;
- Accident or injury prone.

Supervisors are advised that no third party observations or claims shall, by themselves, warrant the supervisors to proceed with testing of an employee. Any employee can initiate this process through a non-involved supervisor where the employee has a reasonable basis to believe that another employee is illegally using drugs/narcotics or is or has been under the influence of a chemical while in the workplace. ONLY the personal observations and/or investigations of two (2) supervisors shall collectively warrant a testing. It mandates the two supervisors to make independent initial observations. Subsequent to these independent observations, and as a team, they shall decide whether chemical screening is warranted. Supervisors shall document all observations and the investigation on the Supervisory Report "Chemical Screening Based Upon Reasonable Individualized Suspicion." Prior to any screening based upon reasonable individualized suspicion, the supervisors shall provide to the employee a written advisory stating the requested screening is based upon causes specified therein. The involved employee shall sign and date the advisory as will the requesting supervisors. Should the employee refuse to sign the advisory, the supervisors shall mark the signature area "refused" and fill in the date and time information beneath the signature space. Failure to sign the advisory shall not preclude the employee from submitting to the screening. A copy of the completed advisory will be provided to the employee. Any refusal to provide the required specimen(s) constitutes insubordination. Circumstances leading to the order to submit a specimen (Reasonable Individualized Suspicion) and a refusal to submit (insubordination) shall be reviewed by the Chief of Police and discipline may be administered up to and including dismissal.

All candidates offered employment shall be required to submit to a chemical screening as part of the post offer hiring requirements. Any candidate refusing to submit or having a confirmed positive test for nonprescribed illegal drugs or prohibited controlled substnaces may be disqualified.

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1002.8 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).

1002.9 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.

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EMPLOYEE ASSISTANCE PROGRAM

1003.1 PURPOSE AND SCOPE

The department recognizes that a wide-range of problems, although sometimes not directly associated with one's job responsibilities, can have an adverse effect on an employee's job performance, and that such problems may be a result of stress experienced in the course of employment. In most instances, employees overcome such personal problems independently and the effect on job performance is negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such problems can be resolved so that an employee's job performance returns to an acceptable level. In some cases, however, the efforts of both the employee and the supervisor don't have the desired effect of resolving the employee's problem. Unsatisfactory performance persists over a period of time, either constantly or intermittently.

We believe it is in the interest of the employee, the employee's family, and the department, to provide employee services that deal with the problems of alcoholism, other drug abuse, and personal problems. The purpose of this policy is to assure that employees experiencing any of these illnesses receive the same careful consideration and offer of treatment that is presently extended to employees having any other illnesses.

Similarly, we recognize that an employee's job performance may also be affected when a member of their family is afflicted with alcoholism, other drug dependency, or emotional problems. In that interest, we extend the same offer of information, referral, and assistance to employee's immediate family members.

The illnesses of alcoholism, other drug dependencies, and emotional disorders will receive financial benefits and insurance coverage in accordance with our established employee benefit plans or relevant statutory provisions.

1003.2 DEFINITIONS

Alcoholism: A chronic and progressive illness manifested in repeated and uncontrolled drinking of alcoholic beverages in excess of dietary and social uses. Alcoholism is characterized by dependence on the drug alcohol, to the extent that it interferes with the employee's health, safety, and/or job performance.

Other Drug Dependency: A condition produced by the repeated use of a drug and characterized by a psychological and/or physiological dependence to the extent that it interferes with the drug user's health, safety, and/or job performance.

Emotional Illness: An emotional condition characterized by thoughts and actions which are unrealistic, irrational, or inappropriate to the extent that it interferes with the individual's health, safety, and/or job performance.

Other Personal Problems: Problems which interfere with the individual's health, safety, and/or job performance, such as marital, family, financial, legal, or emotional problems.

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1003.3 PROCEDURES

- Implementation of this policy should not require, or result in, any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.
- The department believes that supervisory use of this program should be based on confronting the employee with unacceptable job performance criteria.
- It shall be the option of the employee to either accept or reject referral for diagnosis of professional treatment. The department encourages employees to seek help on their own initiative and nothing in this policy negates that right.
- The fact that an employee accepts, rejects, or fails to respond to treatment for alcoholism, other drug abuse, or other personal behavior/medical problems, in no way diminishes the employee's responsibility to meet required job performance standards.
- It will be the responsibility of all management and supervisory personnel, in cooperation with employee groups, to follow procedures that assure employees with behavioral-medical problems that their job security or promotional opportunities will not be jeopardized by a request and/or referral for diagnosis and treatment.
- All records on employees referred and actions taken under this program are to be maintained in the strictest of confidence. No references to it are to be placed in the employee's official personnel folder, except as they apply to specific charges leading to disciplinary or adverse actions.
- Discussion and speculation about an employee's suspected personal problems which betrays personal information expressed to superior or fellow officers can have the effect of creating gossip and rumor within the department. Such communications are contrary to the intent of the Employee Assistance Program and will certainly undermine the confidence that employees must have if the program is to be effective. Personal information relayed from one employee to another will be held in strict confidence.
- The Director of Human Resources, as Employee Assistance Officer, is responsible for coordinating the program, interpreting the program, and providing information services.
- A designated employee assistance coordinator is responsible for implementing the program by making employee assistance a well conducted and useful program through referrals to proper community resources for counseling and treatment.

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IDENTIFICATION

1004.1 OFFICER RESPONSIBILITY

The department and the community have a legitimate concern that unidentifiable department employees provide proof of identification. Any contact between any employee and a citizen results in obligations and responsibilities for both parties. It is extremely important that there be no doubt, in the mind of a citizen, that they are dealing with a police officer. There is the added concern that the department provide procedures that protect the community from individuals who, for whatever the reason, would impersonate a police officer. To provide these protections and to stress the importance of police department identification, the department requires that:

All police department employees will identify themselves by name and rank when requested to do so.

Officers on or off duty and not in full police uniform, identify themselves as police officers prior to taking any enforcement or corrective action when possible. This also applies to gathering any police information unless the assignment, by its nature, (e.g. undercover activities) precludes such identification.

Plain-clothes officers, on-duty, offer their credentials for examination to all persons whom they officially contact. A badge by itself is not sufficient identification without an official department identification card.

A police officer in full uniform presents their official identification card if their identity is in any way questioned by a citizen who, the officer feels, is sincere in their request and honestly has doubt about the officer's identity.

Plain-clothes officers, on-duty, involved in a police group action, pin or affix their badge on their outer garment in situations where their identity may be questioned by either citizens or other police officers.

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LEAVES OF ABSENCE

1005.1 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).

1005.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

1005.2.1 NOTIFICATION

Employees are encouraged to notify the appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of his/her scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide the Department with no less than 30-days notice of the intent to take leave.

1005.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact his/her unit supervisor once per week to provide an update on his/her absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from his/her health care provider supporting the use of sick leave and/or the inability to return to work.

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer sick days are taken.

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1005.4 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.

1005.4.1 ABSENCE WITHOUT LEAVE

Any permanent commissioned member of the Eau Claire Police Department who participates in any mass absence without leave, constituting a strike within the terms of the Wisconsin State Statutes, Section 111,70(L), and who fails to return to duty upon order of the Chief of Police, shall be immediately suspended for insubordination and engaging in illegal activity.

In the event such permanent commissioned members participate in said strike for a period exceeding twenty four (24) hours, the Chief of Police may thereupon take immediate steps to discharge or take disciplinary action against said violators.

In the event probationary commissioned members participate in said strike and fail to return to duty on a specific order to each probationary commissioned member by the Chief of Police, that member may be summarily discharged from the Department.

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Communicable Diseases

1006.1 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 incidences of illness and injury (29 CFR 1910.1030; Wis. Stat. Chapter 252; Wis. Admin. Code Comm § 32.001 et seq.).

The policy will offer direction in managing the issues related to communicable disease, which include:

- Identifying, informing and training all department employees regarding the communicable disease risks to which they may be exposed while performing their specific job assignments.
- Managing the risks associated with bloodborne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- Assisting department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- Protecting the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- Providing appropriate treatment and counseling should an employee be exposed to a communicable disease.
- Properly documenting an employee's exposure to a communicable disease (see also Wis. Stat. § 101.055(7); Wis. Admin. Code Comm § 32.10).

1006.1.1 DEFINITIONS

Definitions related to this policy include (29 CFR 1910.1030(b)):

Biohazard or bloodborne pathogen - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Communicable disease - An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly.

Decontamination - The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Exposure incident - A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of a department member's duties.

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Other potentially infectious materials - Includes human bodily fluids such as semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all bodily fluids in situations where it is difficult or impossible to differentiate between bodily fluids; any unfixed tissue or organ (other than intact skin) from a human (living or dead) and HIV-containing cell or tissue cultures, organ cultures and HIV- or HBV-containing culture medium or other solutions; and blood, organs or other tissues from experimental animals infected with HIV or HBV.

Personal protective equipment (PPE) - Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) that are not intended to function as protection against a hazard are not considered to be personal protective equipment.

Universal precautions - An approach to infection control. According to the concept of universal precautions, all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

1006.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1006.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the department's Exposure Control Officer (ECO). The ECO's responsibilities shall include:

(a) The overall management of the bloodborne Exposure Control Plan (ECP) (29 CFR 1910.1030(c)(1)(i)).

(b) The development, maintenance and update of the Exposure Determination list (29 CFR 1910.1030(c)(2)(i)).

(c) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning bloodborne pathogens and other communicable diseases.

(d) The ECO shall solicit input from non-managerial employees who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls and shall document the solicitation in the ECP (29 CFR 1910.1030(c)(1)(v)).

(e) The ECO will act as a liaison during Occupational Safety and Health Chief's Staff (OSHA) inspections and shall conduct program audits to maintain an up-to-date ECP.

(f) The ECO will maintain an up-to-date list of department personnel requiring training

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(g) The ECO will review and update the ECP annually on or before January 1 of each year (29 CFR 1910.1030(c)(1)(iv)).

(h) The ECO shall ensure that a copy of the ECP is accessible to employees in accordance with 29 CFR 1910.1020(e) (29 CFR 1910.1030(c)(1)(iii)).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1006.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious (29 CFR 1910.1030(d)(1)).

1006.2.3 PERSONAL PROTECTIVE EQUIPMENT

PPE is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures (29 CFR 1910.1030(d)(2)(i)):

- Not less than two pair of disposable latex/nitrile gloves (keeping a box in the car is recommended)
- Safety glasses or goggles
- NIOSH N95 particulate respirator with a one-way valve
- Alcohol, or similar substance, to flush skin at emergency site
- Antiseptic hand cleanser and clean towels or antiseptic towelettes (29 CFR 1910.1030(d)(2)(iv))

The PPE provided by the Eau Claire Police Department shall be kept in each police vehicle, inspected at the start of each shift and replaced immediately upon returning to the station if it has been used or damaged during the shift, or as otherwise needed (29 CFR 1910.1030(d)(3)(i)).

1006.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1006.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated (29 CFR 1910.1030(d)(3)(ii); Wis. Stat. § 101.11(1)).

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g.,

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evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment (29 CFR 1910.1030(d)(3)(ix)).

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists (29 CFR 1910.1030(d)(2)(ix)).

1006.2.6 INFORMATION AND TRAINING

All employees shall participate in occupational exposure training commensurate with the requirements of his/her position. The training shall be provided (29 CFR 1910.1030(g)(2)):

(a) At the time of initial assignment to tasks where an occupational exposure may take place.

(b) At least annually after the initial training.

(c) Whenever the employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training should meet the minimum standards set by state and federal regulations (29 CFR 1910.1030(g)(2)(vii)).

Training records shall include the requirements of 29 CFR 1910.1030(h)(2)(i) and shall be kept for at least three years (29 CFR 1910.1030(h)(2)(ii)).

1006.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids.

1006.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle or ambulance, at the attending clinic or hospital with its approval or in an appropriately marked biohazard waste container immediately upon arrival.

The biohazard waste container shall be collapsible, leakproof, red and appropriately labeled with a biohazard warning, and routinely emptied.

1006.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately on-scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves or after utilizing only antiseptic cleanser or towelettes. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails (29 CFR 1910.1030(d)(2)(v)).

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If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained (29 CFR 1910.1030(d)(2)(vi)).

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as a cleaning or decontamination area.

1006.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to bend or recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container (29 CFR 1910.1030(d)(2)(vii)).

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device, such as tongs or a broom and a dustpan, to clean up debris. If the material must be handheld, protective gloves must be worn.

1006.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1006.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment

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results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1006.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag (29 CFR 1910.1030(d)(2)(xiv)).

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

During decontamination, employees should pay close attention to handles, controls, corners, crevices, portable radios and external microphones. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

1006.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains (29 CFR 1910.1030(d)(3)(vi)).

If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the department's expense (29 CFR 1910.1030(d)(3)(iv)).

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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1006.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1006.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times (29 CFR 1910.1030(d)(4)(i)).

1006.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1006.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to his/her immediate supervisor and complete appropriate reports or forms as soon as possible following the exposure or suspected exposure (29 CFR 1904.8).

The report shall be submitted to the employee's immediate supervisor. Additionally, if the exposure involves contact with the bodily fluids of an individual who has been arrested, the employee should document in the exposure report whether he/she would like the person who was the source of the exposure to be tested for communicable diseases.

1006.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably possible following the incident, while gathering the following information:

(a) Name and Social Security number of the employee exposed

(b) Date and time of incident

(c) Location of incident

(d) The potentially infectious materials involved

(e) Source of material or person

(f) Current location of material or person

(g) Work being done during exposure

(h) How the incident occurred or was caused

(i) PPE in use at the time of the incident

(j) Actions taken post-event (e.g., cleanup and notifications)

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The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

1006.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

The Department shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure within 10 days of assignment (29 CFR 1910.1030(f)(2)(i)). The Department shall ensure that the health-care professional responsible for the employee's hepatitis B vaccination is provided a copy of the federal regulation (29 CFR 1910.1030(f)(4)(i)).

Any employee who was exposed or suspects he/she was exposed to a communicable disease shall be seen by a physician (or qualified health care provider) as soon as reasonably possible (29 CFR 1910.1030(f)(3)).

The doctor or qualified health care provider shall be provided with (29 CFR 1910.1030(f)(4)(ii)):

- A copy of the federal regulation.
- The supervisor's report which has a description of the exposed employee's duties as they relate to the exposure incident, documentation of the routes of exposure and circumstances under which exposure occurred and the results of the source individual's blood test if known.
- The employee's medical records and vaccination status relevant to the visit and examination.

The blood of the exposed employee shall be tested at the expense of the Department after consent is obtained (29 CFR 1910.1030(f)(3)(iii)(A)).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. The exposed employee will be informed of the source's test results (29 CFR 1910.1030(f)(3)(ii)(C)).

The health care professional shall provide the ECO and/or the City's risk manager with a written opinion/evaluation of the exposed employee's situation within 15 days of completion of the evaluation. This opinion shall be limited to the following information (29 CFR 1910.1030(f)(5)):

- Confirmation that the employee received the evaluation results
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1006.4.4 COUNSELING

The Department shall provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation (29 CFR 1910.1030(f)(3)(v)).

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1006.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential (29 CFR 1910.1030(f)(6)).

The ECO shall be responsible for maintaining confidential records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure in accordance with 29 CFR 1910.1020 (29 CFR 1910.1030(h)(1)(i)).

The risk manager shall be responsible for maintaining the name and Social Security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure (29 CFR 1910.1030(h)).

This information is confidential and shall not be disclosed to anyone without the employee'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(h)(6)).

Records shall be maintained for the duration of the person's employment plus 30 years (29 CFR 1910.1030(h)(1)(iv)).

1006.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure to an employee of this department should be sought when it is desired by the department member or otherwise appropriate. It is the responsibility of the ECO to ensure the proper testing and reporting occur. These methods include (29 CFR 1910.1030(f)(3)(ii)(A)):

- Obtaining voluntary consent that covers testing for any communicable disease from any person who may be the source of an exposure.
- Determining if the source person is compelled to submit to testing under any lawful provision.
- Filing a report with the county health officer when an employee is exposed. The county health officer may assist in pursuing testing on the City's behalf.
- Applying for a court order to compel testing of the source person.

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Smoking and Tobacco Use

1007.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Eau Claire Police Department facilities or vehicles.

1007.2 POLICY

The Eau Claire Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Eau Claire Police Department to prohibit the use of tobacco by employees at any time the employee is acting in an official capacity for the Department.

1007.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any City facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1007.4 ADDITIONAL PROHIBITIONS

The Chief of Police or the authorized designee shall make reasonable efforts to prohibit smoking in department locations where smoking is prohibited, including, but not limited to (Wis. Stat. § 101.123(2)(a)8r; Wis. Stat. § 101.123(2)(e)3; Wis. Stat. § 101.123(2m)(c); Wis. Stat. § 101.123(2m)(e)):

(a) Posting signs that prohibit smoking (Wis. Stat. § 101.123(2m)(c)1)

(b) Asking a person who is smoking to refrain or to leave if the person refuses (Wis. Stat. § 101.123(2m)(c)3)

(c) Enforcing the Wisconsin Clean Indoor Air Act (Wis. Stat. § 101.123(2m)(d))

(d) Taking other actions as reasonably necessary to prevent persons from being exposed to others who are smoking (Wis. Stat. § 101.123(2m)(e))

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Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding service provided by this department and the conduct of employees. Except where otherwise provided, this policy shall apply to all members of this department who have attained regular status and are subject to discipline for cause.

This policy is intended to be applied consistent with the procedures, rights or status that may be contained in any applicable collective bargaining agreement or policy established by the City Department of Human Resources.

1008.2 POLICY

This department takes seriously all complaints regarding service provided by this department and the conduct of its employees. The Department will accept and address all complaints of employee misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of collective bargaining agreements.

It is also the policy of this department to ensure that the community served can report misconduct without concern for reprisal or retaliation.

1008.3 PERSONNEL COMPLAINTS DEFINED AND CLASSIFIED

Personnel complaints consist of any allegation of misconduct or improper job performance by any department employee that, if true, would constitute a violation of department policy, federal, state or local law, policy or rule. Allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not violate a department policy, or a federal, state or local law, policy or rule may be handled informally by a department supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the employee's Deputy Chief is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy. Supervisors may also recommend additional training to reinforce officer skills or to remediate minor deficiencies.

Formal - A matter in which the employee's supervisor requests further investigation or in which any department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of a rank greater than the accused employee or referred to the Supervisor depending on the seriousness and complexity of the investigation.

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Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up. At the discretion of the assigned supervisor or the Supervisor, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

Citizen complaint forms will be made readily available upon request. Forms may also be available at other government offices and facilities. Citizen complaint forms in languages other than English may also be provided as necessary or practicable. This policy shall be available for public review upon request

Each Lieutenant shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to their respective Deputy Chief any suggestions for improvement or changes.

This department will investigate all false claims made against its law enforcement officers. 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).

1008.4.1 SOURCES OF COMPLAINTS

(a) Members of the public may make complaints in writing, by e-mail, in person or by telephone.

(b) Any employee of this department who becomes aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source of an allegation of misconduct which, 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.

1008.4.2 ACCEPTANCE OF COMPLAINTS

All complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, e-mail and verbal complaints will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact of the complainant, shall complete and submit the personnel 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.

The following should be considered before taking a complaint:

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(a) If the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time.

(b) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1008.4.3 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her original personnel complaint.

Formal complaints of alleged misconduct that are not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Supervisors shall document all informal complaints in a log designated for such by the Lieutenant. The log should include the nature of the complaint received and the actions taken to address the complaint. On an annual basis, the Lieutenants should audit the log and send an audit report to their respective Deputy Chief.

1008.5 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or the authorized designee may, however, direct that another supervisor conduct the investigation.

The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Lieutenant, Deputy Chief and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a citizen complaint form has been completed as fully as possible. The original complaint form will then be directed to the Deputy Chief of the accused employee, via the chain of command, who will

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forward a copy of the complaint to the Chief of Police, take any appropriate action, and/or forward the complaint to the Supervisor for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Deputy Chief or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to the collective bargaining agreement, state and federal law.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

1008.5.1 SWORN EMPLOYEE CITIZEN COMPLAINT FORM
See attachment: Complaint Form.doc

1008.5.2 NON-SWORN COMPLAINT FORM
See attachment: Non-sworn Complaint Form.doc

1008.6 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may temporarily assign the accused employee to administrative leave pending completion of the investigation or the filing of administrative charges.

1008.6.1 ADMINISTRATIVE LEAVE
An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, department identification, assigned weapons and any other department equipment.

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(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Deputy Chief and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

1008.7 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request that a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions. The employee may not be administratively ordered to provide any information to a criminal investigator, nor can any information or evidence that has been administratively compelled from an employee be provided to a criminal investigator.

Any law enforcement agency is authorized to release limited information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1008.8 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor provided the supervisor was not involved as a witness or was an alleged participant in the incident. More serious complaints will be assigned to the employees's Lieutenant for investigation. Whether conducted by a supervisor or an assigned member of the Lieutenant, the following procedures shall be followed with regard to the accused employee:

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(a) The Investigator should not be a person who is the complainant, the ultimate decision maker regarding disciplinary action or a person who has any personal involvement regarding the alleged misconduct.

(b) Interviews of accused employees should be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.

(c) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors when time is of the essence.

(d) An investigator should not interview an officer at that person's home without the officer's prior permission.

(e) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.

(f) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.

(g) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(h) The interviewer should record all interviews of employees and witnesses when necessary. The employee may also record interviews.

(i) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively, regardless of whether the employee was advised of these rights during any separate criminal investigation.

(j) An employee subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

    1. 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).

(k) All employees shall provide complete and truthful responses to questions posed during interviews.

(l) An employee may only be compelled or requested to submit to a polygraph examination in accordance with Wis. Stat. § 111.37.

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(m) Within three days after assignment, the complainant should be informed of the handling investigator's name and the complaint number.

(n) Interviews of the complainant should be conducted during reasonable hours.

1008.8.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment with a potential for exposure to bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces should only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other department areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1008.8.2 WITHDRAWN COMPLAINTS

If the complainant withdraws his/her complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete and assigned an appropriate disposition. However, if the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal and assigned an appropriate disposition.

1008.8.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary of allegations - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation.

Evidence as to each allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

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Exhibits - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

Reports in response to citizen complaints, which are found to be "Unfounded", "Unsubstantiated", "Exonerated", or as "Policy Failure", shall state in the body thereof: **"The foregoing is not a finding, in and of itself, that an employee has engaged in misconduct. Any recommendations made to the employee herein do not constitute discipline or a finding of misconduct."**

1008.8.4 COMPLAINANT NOTIFICATION

It shall be the responsibility of the assigned supervisor to ensure that complainants are periodically contacted with information regarding the status of their complaint. Notifications shall include, but are not limited to:

(a) Acknowledgement of receipt of the complaint

(b) Updates on the progress of the investigation

(c) Final disposition of the complaint

1008.9 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Unsubstantiated - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Substantiated - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence standard.

Policy Failure - The investigation reveals that the allegations are true, however, the employee acted properly and in accordance with established Departmental policy. Further, it is determined that the policy is in need of updating, revision, or rewriting.

If an investigation discloses misconduct that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

If an investigation discloses improper job performance that was not alleged in the original complaint, the investigator may take appropriate action with regard to any additional allegations including referring the allegation to the employee's supervisor.

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1008.10 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employees need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon the completion of an investigation of a citizen complaint against an officer, the Chief's Administrative Assistant will send a written notice to the officer informing them that a report has been filed. The officer may then request a copy of the report by signing and returning the notice to the Chief's Administrative Assistant.

1008.10.1 POST-INVESTIGATION PROCEDURES

Upon completion, the report should be forwarded to the Chief of Police through the chain of command of the involved employees. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

1008.10.2 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials. The Deputy Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Deputy Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Deputy Chief shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

1008.10.3 RESPONSIBILITIES OF THE CHIEF OF POLICE

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 recommendations and/or may return the file to the Deputy Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by the staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

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Within 30 days of the final review by the Chief of Police, written or verbal notice of the findings shall be given to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written notice that includes:

- Specific charges set forth in separate counts, describing the conduct underlying each count.
- A recommendation of proposed discipline including the reason, scope, and effective date.
- A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reasons for termination and the process to receive all remaining fringe and retirement benefits.

The discipline shall become effective once the Chief of Police has issued a written decision.

1008.10.4 IMPROPERLY OBTAINED EVIDENCE
Evidence obtained during the course of any interrogation that was conducted in violation of Wis. Stat § 164.02(1) may not be used in any subsequent disciplinary proceeding against the officer.

1008.11 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 the imposition of any recommended discipline.

The employee shall consider the following:

(a) This response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative and/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.

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(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 of the subsequent investigation 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.

1008.12 POST-DISCIPLINE APPEAL PROCESS

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)).

1008.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1008.14 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal. Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in applicable department policies.

In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the appeal procedure above and as follows:

(a) The appeal may be held prior to or within a reasonable time after the imposition of discipline.

(b) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained.

(c) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.

(d) In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.

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(e) In the event that a probationary employee fails to meet his/her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

Nothing in this policy or procedure should be construed to establish any sort of property interest in or right to the employee's continuation of employment.

1008.15 CONFIDENTIALITY OF PERSONNEL FILES

Generally investigations of personnel complaints are confidential and protected employee personnel files. The contents of which are not revealed to other than the involved employee or authorized personnel except pursuant to lawful process

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated publicly, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

The investigation file and reports shall be securely maintained by the chief's secretary for the period required by the department's record retention schedule.

1008.16 SUSTAINED COMPLAINTS

Before being placed in the employee's file, the employee will have an opportunity to read and initial the comment or document. If the employee submits a written response, the response will be attached to the comment or document.

The employee will receive a copy of any comment or document placed in the employee's file.

A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the employee's file.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

The investigative findings in sustained investigations shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the chief's secretary apart from the employee's personnel file.

Disciplinary action taken against an employee shall be reported to the Police and Fire Commision.

1008.17 REMOVAL OF A COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

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If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee should submit a memorandum to the Director of Human Services that articulates the justification for the requested removal. The Director of Human Services shall make a determination regarding the granting or denial of the request and inform the employee.

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Seat Belts

1009.1 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.

1009.1.1 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.

1009.2 POLICY

It is the policy of the Eau Claire Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

1009.3 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)).

1009.4 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.

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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)).

1009.5 TRANSPORTING PRISONERS

Prisoners should be secured in the rear seat of the patrol vehicle by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer.

1009.6 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.

1009.7 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.

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Body Armor

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1010.2 POLICY

It is the policy of the Eau Claire 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.

1010.3 ISSUANCE OF BODY ARMOR

- All body armor issued must comply with the protective and related requirements prescribed under current standards of the National Institute of Justice (NIJ).
- All officers shall be issued department-approved body armor.
- Body armor shall be replaced by the police department when the body armor warranty expires in accordance with guidelines and protocols established by the NIJ.

1010.3.1 USE OF SOFT BODY ARMOR

(a) Officers shall wear only department-approved body armor.

(b) Officers working in a patrol officer capacity are required to wear body armor while engaged in field activities both on duty and during off duty department approved employment unless exempted as follows:

1. When an approved physician determines that an officer has a medical condition that would preclude wearing body armor.
2. When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor.
3. When the department determines that circumstances make it inappropriate to mandate wearing body armor.

1010.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation.

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Personnel Files

1011.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention and access to personnel files.

1011.2 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)).

1011.3 PERSONNEL FILES DEFINED

Definitions related to this policy include:

Personnel file - Any file, including a department, Division, 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.

1011.4 SECURITY AND MAINTENANCE OF PERSONNEL FILES

Access to personnel files shall be restricted as follows:

(a) Only the Chief of Police or the authorized designee may access personnel files.

(b) Personnel files shall be maintained in a secured location, locked either in a cabinet or access-controlled room.

(c) If personnel files are maintained in an electronic format, adequate password protection shall be employed.

1011.4.1 TRAINING FILES

An individual training file shall be maintained by the Special Services Bureau 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 the Training Technician or immediate supervisor with timely evidence of completed training/education when the records are required by law or the Department.

(b) The Training Technician or supervisor shall ensure that such training records are placed in the employee's training file.

The Training Technician is responsible for the creation, filing and storage of all training records in compliance with state data requirements and Law Enforcement Standards Board (LESB) standards. Training records shall be retained in compliance with the current records retention

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schedule. The Training Technician is responsible for completing and submitting the annual agency roster verification to LESB Training and Standards Bureau (TSB).

1011.4.2 MEDICAL FILE

A confidential medical file shall be maintained separately from all other files and 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.

1011.5 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)).

1011.6 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 Deputy Chief of Patrol and the Director of Administration(Wis. Stat. § 19.31 et seq.).

The Director of Administration 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)).

1011.6.1 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 designee except as provided by this policy, pursuant to lawful process and pursuant to state law or court order.

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1011.7 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 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 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.

1011.8 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.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline or training and career development. If, in the opinion of the Chief of Police or the authorized designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to the current records retention schedule.

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Commendations and Awards

1012.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for commending exceptional employee performance or the meritorious acts of citizens.

1012.2 LETTERS OF APPRECIATION

A letter of appreciation recognizes individuals outside of the department for noteworthy actions on behalf of the department or community.

- Any member of the department may suggest the writing of a letter of appreciation.
- Any supervisor may write a letter of appreciation on department letterhead, for review and approval of the Chief of Police or their designee.
- Letters of appreciation may be signed "For the Chief of Police," by the supervisor writing the letter or may be signed directly by the Chief of Police.

1012.3 LETTERS OF RECOGNITION

A letter of recognition recognizes noteworthy actions or job performance by departmental employees. Letters of recognition may take one of two forms:

- A formal letter of recognition may be prepared by any supervisor and shall be completed on department letterhead for review and approval by the Chief of Police or their designee for inclusion in a personnel file.
- Informal recognition may be prepared by any supervisor (typed or handwritten) and shall be directed to the division head of the affected employee for distribution through the chain of command. Such memoranda may spur a formal letter of recognition or letter of commendation upon further review by the receiving supervisor

1012.3.1 LETTERS OF COMMENDATION

A letter of commendation recognizes extraordinary actions on the part of departmental employees.

- Such letters shall be prepared on departmental letterhead and shall be signed by the Chief of Police.
- Any supervisor may forward a recommendation for a letter of commendation for consideration through the chain of command (copy to the Chief of Police).
- Justification for such commendation shall be included with the request.

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- Letters of commendation are the highest level of recognition offered by the Chief of Police and as such, shall only be recommended in cases of extraordinary performance.

1012.4 DEPARTMENT COIN

The Department coin will be issued to all permanent fulltime employees of the Department upon reaching 5 years of service or the status of First Class Police Officer. The Chief of Police or their designee will be responsible to award the employee the coin and remind them of the meaning and importance of the coin and the employee's commitment to the Department and community.

Part-time employees and volunteers (Chaplains) are also recognized as being important to the mission of the Department. Part-time employees and volunteers will be eligible to receive a Department coin after completing 10 years of good service in the Department.

1012.5 CHIEF'S GOLD COIN

The Chief's coin is reserved exclusively for full-time sworn Police Officers. It is the highest level of recognition offered by the department. The Chief's Gold Coin will be awarded for acts of exemplary performance or bravery. In addition, all full-time police officers that retire in good standing from the ECPD will be awarded a Chief's coin.

The above referenced Oversight Committee will be responsible for reviewing and approving all requests for the issuance of a Chief's coin. Any member of the Department can make a recommendtion to the committee to award a coin to an officer. The committee will also be responsible to review and update the guidelines reference the Chief's coin.

1012.6 CHIEF'S GOLD COIN OVERSIGHT COMMITTEE

An oversight committee has been established to review and update the quidelines as well as be responsible to review and approve any requests to have the coin issued outside the established guidelines. That committee is comprised of the two Deputy Chiefs and the five Lieutenants in the Police Department.

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Fitness for Duty

1013.1 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)).

1013.2 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.

1013.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Lieutenant or the employee's Deputy Chief, a determination should be made 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.

1013.4 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.

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1013.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the shift Lieutenant and with the concurrence of a Deputy Chief, 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.

1013.6 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 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.

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1013.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one-day period (24 hours)
- Officers must have 6 hours off before or after any overtime shift.

Except in very limited circumstances members should have a minimum of six hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1013.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

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Meal Periods and Breaks

1014.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees that has been established by the City Manager.

1014.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall advise the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1014.1.2 10-MINUTE BREAKS

Each employee is entitled to a 10-minute break, near the midpoint, for each four-hour work period. Only one 10-minute break shall be taken during each four hours of duty.

Field officers will take their breaks but are subject to call and shall monitor their radios.

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Lactation Breaks

1015.1 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.

1015.2 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).

1015.3 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 the Communications Center 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.

1015.4 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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1015.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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Payroll Records

1016.1 PURPOSE AND SCOPE

Payroll records are submitted to payroll on a biweekly basis for the payment of wages.

1016.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1016.1.2 PAYROLL RECORDS RETENTION

City of Eau Claire payroll shall make and keep for at least three years payroll records for each employee that contains the required statutory information (Wis. Admin. Code DWD § 272.11(1)).

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Outside Employment

1017.1 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.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Employment: The provision of a service whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

Regular Off-Duty Employment: Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

Sworn Employee: An employee who is a police officer of any rank.

Civilian Employee: All other employees that do not meet the "Sworn Employee" status.

1017.1.2 EXTRA-DUTY EMPLOYMENT-SWORN EMPLOYEE

(a) All requests made by agencies, whether public or private, for sworn personnel to be employed for supplement employment and to act in their capacity as police officers, will be directed to the Deputy Chief of Patrol.

(b) In each case, the desirability of such employment and the conditions under which it will be performed will be a determining factor.

(c) There will be no individual contract for services.

(d) All employment, while functioning in the capacity as a police officer, is prohibited unless specifically authorized by the Chief of Police or his/her designee.

(e) Police officers may engage in extra-duty employment where a government, profit-making, or non-profit-entity has a contract agreement with the police agency for police officers to exercise their police duties.

1017.1.3 LIMITATIONS ON OFF-DUTY AND EXTRA-DUTY EMPLOYMENT-SWORN EMPLOYEE

(a) In order for an officer to be eligible for off-duty or extra-duty employment, a police officer must be in good standing with the agency.

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(b) New officers must have successfully completed the PTO program.

(c) Officers who are on medical leave, sick leave, temporary disability, or an on-duty injury shall not be eligible to engage in extra-duty employment.

(d) Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police officer's performance of duty.

(e) A police officer engaged in any off-duty employment is subject to call-outs/call-ins in case of emergencies or staff vacancies. An officer may be expected to leave his/her off-duty or extra-duty employment in such situations.

(f) The Chief of Police or his/her designee may revoke the permission of outside employment where it is determined pursuant to agency procedure that such outside employment is not in the best interest of the agency.

1017.1.4 REGULAR OFF-DUTY EMPLOYMENT FOR CIVILIAN EMPLOYEE

City employees, may hold a job with another organization as long as the employee satisfactorily performs their job responsibilities with the City and it does not interfere with their normal hours of duty.

If it is determined that outside employment interferes with an employee's performance or the ability to meet requirements of their job with the City, you may be asked to terminate the outside employment if you wish to remain employed with the City.

The Chief of Police or his/her designee may revoke the permission of outside employment where it is determined pursuant to agency procedure that such outside employment is not in the best interest of the agency.

1017.1.5 EQUIPMENT PROVISION

Officers may request to use departmental equipment when assigned to a supplemental employment activity. The Patrol Shift Commander shall review the request and determine the availability of the equipment requested, and the requesting officers' need for the equipment. The Patrol Shift Commander may or may not authorize the use of departmental equipment, dependent upon circumstances relating to the request.

1017.1.6 APPLICATIONS FOR OUTSIDE EMPLOYMENT

If you wish to obtain outside employment, you must obtain prior written approval from the Chief of Police and the City Manager by completing a "Request for Approval of Outside Employment" form. The form must be submitted to the Chief of Police at least 72 hours before starting outside employment. The form is available from the Chief's Administrative Assistant.

1017.2 OBTAINING APPROVAL

Sworn employees may engage in regular off-duty employment that meets the following criteria:

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(a) Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

(b) Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer.

(c) The assessment of regular off-duty employment requests will be made on an individual basis.

(d) Examples of employment representing a conflict of interest include, but are not limited to, jobs involving the following:

1. A labor dispute.
2. The sale of intoxicating beverages.
3. The employer would, in any way, restrict the officer from performing their duty as a police officer.
4. The officer would be involved in pictures or advertising, endorsing commercial products, while they are identifiable as an Eau Claire Police Officer.
5. The reputation of the department would suffer by having a police officer employed.
6. Employment is outside the city and requires a uniform, except under mutual aid agreements.
7. Employment involving personnel investigations for the private sector or any employment outside this agency that might require the police officer to have access to police information, files, records, or services as a condition of employment.
8. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding, where the case involved an Eau Claire Police Department investigation, without the prior approval from the Chief of Police or his/her designee.

1017.2.1 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.

1017.2.2 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,

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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.

1017.3 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.

(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.

1017.3.1 OUTSIDE SECURITY EMPLOYMENT

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Deputy Chief of Patrol in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a agreement prior to approval.

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(b) The applicant will be required to provide for the compensation of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer shall wear the department uniform/identification.
2. The officer shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1017.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1017.4 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.

1017.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

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1017.5 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.

1017.6 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 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 Eau Claire Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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On-Duty Injuries

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to risk management, to ensure proper medical attention is received, and to document the circumstances of the incident (Wis. Stat. Chapter 102).

1018.2 WORKERS' COMPENSATION FUND REPORTS

1018.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries and work-related illnesses requiring medical care must be reported to the Lieutenant of Specail Services who will then forward the report to risk Management and a signed copy of the claim for compensation form shall be provided to the injured employee within a reasonable period of time (Wis. Stat. § 102.123).

1018.2.2 DEFINITIONS

Definitions related to this policy include:

Accident - Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1018.2.3 EMPLOYEE'S RESPONSIBILITIES

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on-duty, shall report such injury, illness or accident as soon as practicable to his/her supervisor (Wis. Stat. § 102.37).

Any employee observing or learning of a potentially hazardous condition should immediately take reasonable precautions to mitigate or eliminate the hazard and promptly report the condition to his/her immediate supervisor (see generally Wis. Stat. § 103.02).

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with department policies and directives relating to the duty to periodically call in during absences, in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified duty may be available for employees whose injuries prevent resumption of regular duties.

An injured employee or an employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees

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are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1018.2.4 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident shall promptly prepare an accident analysis form and forward it to the chief of police and the Lieutenant of Specail Services. The chief's secretary will complete all required forms, including Employer's First Report of Injury or Disease within a reasonable amount of time and as outlined in this policy. Updated copies of forms with instructions for completion provided by Risk Management are kept in the chief's secretary office.

For work-related accidents, injuries or illness not requiring professional medical care, a supervisor's report of injury form shall be completed. All copies of the completed form shall be forwarded to the Chief of Police, Deputy Chief, and the Lieutenant of Special Services through the chain of command.

When an accident, injury or illness is reported initially on the supervisor's report of injury form and the employee subsequently requires professional medical care, the Employer's First Report of Injury or Disease form shall be completed and signed in the appropriate locations.

After the signed statement relating to a claim for compensation is made by the employee, a copy of the statement shall be provided within a reasonable time (Wis. Stat. § 102.123).

A supervisor shall promptly notify any employee exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by law and shall inform the employee of any action taken to correct the condition.

Copies of any reports documenting the accident or injury should be forwarded to the chief's secretary as soon as completed.

1018.2.5 DEPUTY CHIEF RESPONSIBILITIES

The Lieutenant of special services receiving a report of a work-related accident or 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.

1018.2.6 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or his/her designee shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Personnel Files Policy).

1018.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on an accident analysis report. This form shall be completed and signed by a supervisor.

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This form shall indicate that he/she desired no medical attention at the time of the report. The employee will not preclude his/her ability to seek medical attention later.

1018.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, the losses for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

1018.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

1018.4.2 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 on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement.

In no case shall the employee accept a settlement without first giving such written notice to the Chief of Police. The purpose of the 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 accident or injury, and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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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.

On duty, uniformed female employees shall arrange their hair so it does not extend below the top edge of the collar. Hair shall be arranged so as not to interfere with vision in any way. Hair holding ornaments (barrettes, pins, clips), if used, must be transparent or similar in color to the hair. On duty, sworn, non-uniformed employees shall maintain their hair so as to present a neat appearance consistent with their job assignment.

While on duty, all employees shall keep their hair neat, clean, and well groomed. Extreme hairstyles shall not be worn. If dyes, tints, or bleaches are used, the resulting hair color must be natural to human hair.

Wigs and hairpieces shall not be worn unless they conform to the standards of natural hair

1019.2.2 MUSTACHES

A short and neatly trimmed mustache of natural color may be worn. Mustaches shall not extend below the vermilion border of the upper lip or the corners of the mouth and may not extend to the side more than one half inch beyond the lower corners of the mouth.

1019.2.3 SIDEBURNS

Sideburns shall not extend beyond a point even with the bottom of the ear lobe and shall extend in a clean, horizontal line. (The flare, terminal portion of the sideburn, shall not exceed the width of the main portion of the sideburn by more than one fourth of the unflared width.) The sideburn shall be trimmed and neat in appearance.

1019.2.4 FACIAL HAIR & BEARDS

Facial Hair - The face will be clean-shaven except for sideburns and mustaches which are permitted. The Chief or Division Commanders may grant deviations from this policy, for medical reasons or for special assignments.

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Beards - The wearing of beards, Vandykes, goatees or other facial hair, except as provided above, is prohibited for all sworn members of the department.

1019.2.5 FINGERNAILS
All employees will keep their fingernails clean and neatly trimmed so as not to interfere with the performance of duty, detract from the professional image, or present a safety hazard.

1019.2.6 ORNAMENTATION
Ornamentation: Decorative detail, such as jewelry, used to accent parts of the body. Common ornamentation includes earrings, necklaces, bracelets, and rings.

Uniformed employees shall not wear any unauthorized ornamentation. The wearing of a wristwatch and not more than two rings (a wedding set is considered one ring) is authorized with the uniform. No jewelry, watch chains, or similar items will appear exposed on uniforms. Pens and/or pencils may appear exposed if they are of a conservative color or if they match the color of the uniform accessories (i.e. black, blue, silver, gold). Any unauthorized item not a normal part of the uniform (i.e., flowers, pins, etc.) shall not be worn. Cosmetics are authorized if applied conservatively and in good taste. Safety is always a consideration and any particular items may be deemed inappropriate due to safety reasons.

1019.3 TATTOOS

Tattoo: A type of body modification whereby a permanent mark is made by inserting ink into the skin to change the pigment for decorative or other reasons.

Branding: The process in which a mark, usually a symbol or ornamental pattern, is burned into the skin, with the intention that the resulting scar makes it permanent.

The following regulations apply to all police department employees. The effective date of this regulation is June 01, 2006. Any tattoos or brandings that an employee had as of the effective date are grandfathered in as acceptable.

(a) Visible tattoos or branding on the ears, head, face, neck area or hands, are prohibited.

(b) Employees with tattoos or brandings in other areas of the body, may be required to keep them covered by an appropriate authorized uniform or other type of clothing for non-sworn employees. The authorized uniform will be the uniform of the day for sworn employees, short sleeve shirts in the warmer months and long sleeve shirts in the cold months.

1019.4 BODY PIERCING OR ALTERATION

Body Piercing: The practice or an instance of decorating the body with jewelry or ornamentation that penetrates the flesh.

Sworn Officers and CSOs shall cover or remove any visible body piercing while in the workplace. Telecommunicators and civilian non-uniformed employees who choose to have visible body

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piercings must refrain from piercings that detract from their professional appearance or creates a negative impact on the police department. The Chief of Police or his/her designee retains the right to approve or disapprove on a case by case basis.

1019.5 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

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Uniform Regulations

1020.1 PURPOSE AND SCOPE

The uniform policy of the Eau Claire Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following Policy Manual sections:

- Firearms and Qualification
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The Eau Claire Police Department will provide uniforms for all employees who are required to wear them except shoes, socks, and undergarments.

1020.2 DEFINITIONS

Dress Attire :

Male - Dress pants with a dress shirt and necktie.

Female - A suit, dress, , or a skirt or pants with a blouse, sweater, or jacket

Business Casual: Male or female - Dress pants with either a button up shirt with no tie or an approved department polo shirt.

Uniform of the Day : Either the summer or winter uniform depending on the season and direction of the Deputy Chief of Patrol or his/her designee.

Approved department polo shirt : Solid colored shirt with a rolled collar and a 2-4 button opening on the front with only the department logo embroidered onto it.

Civilian employee : Refers to those employees not sworn and not affiliated with the patrol division.

Special Considerations : Events that arise such as search warrants, after hour call ins, specialty assignment to investigations and other circumstances deemed as such by the Chief of Police or his/her designee.

1020.3 PATROL DIVISION - SWORN PERSONNEL

Winter Uniform: The Winter Uniform will include the following components.

(a) The long-sleeved uniform shirt is worn with an open neck (top button unbuttoned). A white or black T-shirt may be worn under the uniform shirt.

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(b) Attached to the shirt are the collar chevrons (for first class officers and above), whistle chain with whistle, US Flag pin, specialty pin, nameplate, and badge.

(c) Officers may wear the department authorized black turtleneck with "ECPD" on it.

(d) A navy blue military style pullover sweater may be worn over the uniform shirt. The sweater shall bear Eau Claire Police Department patches, nameplate, and badge.

(e) Officers may also wear the long-sleeved uniform shirt with the top button buttoned with a department tie.

Summer Uniform: The Summer Uniform will include the following components.

(a) A short-sleeved uniform shirt worn with an open neck (top button unbuttoned). A white or black T-shirt may be worn under the uniform shirt.

(b) Attached to the shirt are the collar chevrons (for first class officers and above), whistle chain with whistle, US Flag pin, specialty pin, nameplate, and badge.

Items to be Worn with Summer, Winter, Dress, and Court Uniforms.

(a) Uniform trousers are to be worn with a belt and gun belt.

(b) Black or navy blue socks - Portions of socks exposed to view shall be black or navy blue to match the uniform.

(c) Black shoes or boots - Boots and/or shoes should be solid black in color (including the edge of the sole). The footwear should be made of smooth grain leather or of a similar type of material so that a polished appearance can be maintained. If boots are worn they must have snug fitting shafts so that trouser legs will fit smoothly over and not ride up on the boot. The Commanding [Officer_Deputy] may temporarily authorize other types of footwear during severe weather.

(d) Gloves, if worn, should be colored so as to match the uniform (black or navy blue). Gloves that are altered to allow more dexterity can be worn, however, alteration should be done in a neat fashion and the fingers should not be removed unless the gloves are utilized for bike patrol.

(e) Eyeglasses - Conservative style prescription eyeglasses and prescription or non-prescription sunglasses may be worn.

Court Attire:

(a) Any officer wearing a uniform to court will follow the below guidelines.

(b) The long-sleeved uniform shirt is worn with top button buttoned.

(c) A navy blue clip on tie will be worn from the top button.

(d) Department logo tie tack will be worn on the tie.

(e) If a ballistic vest is worn it must be worn under the long-sleeved shirt.

Any officer not wearing a uniform will follow the below guidelines.

- Male Employees - A business suit or sport coat and dress pants with a dress shirt and necktie.

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- Female Employees - A suit, dress or a skirt or pants with a blouse, sweater or jacket.

Dress Uniform : The dress uniform will be worn for funerals, some parades, awards presentations or any other time determined by the Chief of Police or his/her designee. The dress uniform will include the following components.

(a) The long sleeved uniform shirt is worn with the top button buttoned.

(b) A navy blue clip on tie will be worn from the top button.

(c) Department logo tie tack will be worn on the tie.

(d) 8 point hat will be worn with hat badge attached.

1020.3.1 ACCESSORIES WORN ON JACKETS AND OTHER OPTIONAL CLOTHING

The only accouterments worn on jackets, coats, etc., are the badge (for all personnel) and the rank insignia (for supervisory personnel only).

(a) Sergeants wear stripes one-quarter inch below departmental patch on sleeve.

(b) Lieutenants wear a single gold bar positioned on both epaulets parallel to the shoulder seam one half inch from outside edge.

(c) Deputy Chiefs wear a gold oak cluster positioned on the epaulet with the stem facing the outside shoulder seam one half inch from that seam.

(d) Chief of Police wears a single gold star positioned on the epaulet one half inch from the outside shoulder seam.

1020.3.2 SPECIAL EVENT UNIFORM

The Special Event Uniform will include the following components:

(a) Short sleeved uniform polo shirt with an open neck. Attached to the shirt is the whistle chain with whistle.

(b) Uniform shorts are to be worn with a belt and duty belt.

(c) Black or navy blue socks. Socks will be no higher than below the calf.

(d) Black tennis shoes or boots. Boots will have the low ankle design.

1020.3.3 INSIGNIA AND ACCOUTERMENTS

Non-supervisory personnel wear silver colored accouterments and supervisory personnel wear gold colored accouterments. The collar insignia should be worn as follows:

- First Class Officer - The silver collar chevrons are worn so that the bottom points of the chevron meet the V stitching on the shirt collar.
- K-9, PTO, CNT, CSU, TSU and TRT - The silver or gold collar pins are worn on the right collar so the bottom edges of the pins meet the V stitching on the shirt collar. The silver collar chevron is worn on the left collar as described above.

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- Sergeant - The gold colored chevrons are worn so that the bottom points meet the V stitching on the shirt collar.
- Lieutenant - A single gold bar is worn centered on the collar lengthwise/parallel to the stitching on the front edge of the collar.
- Deputy Chief - A gold oak cluster is worn centered on the collar with the stem facing out/ parallel to the stitching on the front edge of the collar.
- Chief of Police - The gold star is worn centered on the collar lined up with the stitching on the front edge of the collar.

1020.3.4 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 -

(b) A peace officer from this or an adjacent county

(c) Funeral attendee - While attending the funeral of an out-of-region peace officer.

(d) National Peace Officers Memorial week (May 15)

(e) As directed by the Chief of Police or the authorized designee.

1020.4 DETECTIVE DIVISION - SWORN PERSONNEL
The standard attire for Detective Division personnel is dress attire.

- Business casual is acceptable with supervisor approval.
- Other attire is acceptable under special considerations and with supervisor approval.

1020.5 SPECIAL SERVICES DIVISION
Civilian Employees : Appropriate attire shall be business casual. In the case that there is a planned public interaction or presentation the attire will be dress attire.

Safety Education Officer : Appropriate attire is the uniform of the day. Business casual is an option for events or with supervisor approval.

Public Information Officer : Appropriate attire is the uniform of the day. Dress attire and business casual are also acceptable with supervisor approval.

Lieutenant of Specail Services : Appropriate attire is dress attire. Business casual and uniform of the day are also acceptable.

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1020.6 COMMUNITY SERVICE OFFICERS (CSOS)

Winter Uniform The winter uniform for Community Service Officers will include the following components:

- The long-sleeved, light-blue uniform shirt is worn with an open neck. (Top button, unbuttoned.)
- A white or black T-shirt may be worn under the uniform shirt.
- A CSO may wear the department authorized black turtleneck with the ECPD logo on it.
- A black windbreaker pullover may be worn over the uniform shirt. The pullover shall bear the CSO patches on each shoulder.
- Navy blue uniform trousers worn with belt and duty belt.
- Navy blue or black socks.
- Black shoes or boots.

Summer Uniform The summer uniform for Community Service Officers will include the following components:

- The short-sleeved, light-blue uniform shirt is worn with an open neck.
- Uniform trousers worn with belt and duty belt.
- Navy blue or black socks.
- Black shoes or boots.

1020.7 TELECOMMUNICATORS

The uniform for Telecommunicators will include the following components:

- Authorized uniform shirts with Emergency Center embroidered 9-1-1 logo.
- Solid color fleece pullover, zip up jacket or vest is optional. Accent/trim color is permissible. You must have the embroidered 9-1-1 logo on the fleece. If you choose to wear the fleece pullover or jacket, you can wear something other than the uniform shirt under it as long as you keep it zipped up. If you choose to wear a vest, the shirt you wear underneath should be a solid color so that the arm fabric showing is of a solid color.
- Solid color slacks or shorts (of a modest length), clean, in good repair and not faded. Solid color denim is allowed, excluding blue jeans. Sweat pants are not allowed.
- Appropriate footwear: Closed toe shoes or clean tennis shoes and socks.

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1020.8 CIVILIAN CLOTHING

Civilian clothing worn by a department employee, while on duty, shall be appropriate to his/her job assignment

1020.9 HIGH VISIBILITY APPAREL

Police Officers and Community Service Officers are routinely required to conduct activities on or near roadways. Activities such as traffic enforcement, assisting motorists, clearing roadway obstructions, and conducting vehicle crash investigations are some of the many roadway related duties. Conducting any type of activity on or near roadways is inherently dangerous. Poor visibility, unpredictable driver behavior, and poor weather conditions can add to the dangerous nature of dealing with roadway related activities.

In an effort to improve employee safety, High Visibility Apparel is available to all Police Officers and Community Service Officers. One "Class 2" rated traffic vest and a "Class 3" reversible rain jacket will be issued to each officer. It is the policy of the department that Police Officers and Community Service Officers should wear the appropriately rated High Visibility Apparel when involved in activities on or near roadways. The "Class 2" vest should be worn in situations that are described in the B1 ANSI/SEA 107-1999 CONSPICUITY CLASSES for "Class 1 and Class 2. The "Class 3" reversible rain jacket should be worn for circumstances described under "Class 3".

The department recognizes that there are times when wearing High Visibility Apparel is not appropriate or feasible. Examples of these situations may include, but are not limited to: foot pursuit of a suspect, surveillance activities, traffic contacts on low-speed roadways, and emergency or unplanned events.

1020.10 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as K9, TRT, bicycle patrol, and other specialized assignments.

1020.11 DEPARTMENTOFFICE-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 Deputy Chief.

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1020.12 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Eau Claire 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 Eau Claire 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.

1020.13 UNIFORM AND DEPARTMENT POLO USE WHILE OFF DUTY

The uniform of the day can be worn during work hours, for approved outside employment, directly to and from work, and other times which are approved by a supervisor. The uniform of the day shall not be worn beyond those off duty times.

1020.14 NOTIFICATION

The Department shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).

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Department Badges

1021.1 PURPOSE AND SCOPE

The Eau Claire Police Department badge and uniform patch as well as the likeness of these items and the name of the Eau Claire Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1021.2 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.

1021.2.1 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, dispatcher).

(a) Civilian 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) Civilian 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.

1021.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees have the option of taking 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.

1021.3 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 civilian 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).

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1021.4 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 Eau Claire Police Department. The following modifications shall be included:

(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.

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Temporary Modified-Duty Assignments

1022.1 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.

1022.2 POLICY

Subject to operational considerations, the Eau Claire 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.

1022.3 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 Eau Claire 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.

1022.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Deputy

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Chief or the authorized designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Deputy Chief will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Deputy Chief. Assignments of longer duration are subject to the approval of the Chief of Police or the authorized designee.

1022.4.1 MODIFIED DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or department needs at the discretion of the Deputy Chief.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1022.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Deputy Chief apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Deputy Chief, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police or the authorized designee.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Deputy Chief. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1022.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

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Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1022.5 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 Deputy Chief.

1022.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1022.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Deputy Chief, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department and medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's personnel rules and regulations regarding family and medical care leave.

1022.6 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.

1022.7 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.

1022.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or

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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.

1022.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

1022.9 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

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Employee Speech, Expression and Social Networking

1023.1 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.

1023.1.1 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.

1023.2 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 Eau Claire 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.

1023.3 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 Eau Claire 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.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- 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.

1023.4 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 Eau Claire 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 Eau Claire Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Eau Claire 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 Eau Claire 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.

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(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 Eau Claire Police 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).

1023.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Eau Claire Police Department or identify themselves in any way that could be reasonably perceived as representing the Eau Claire 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 Eau Claire 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).

1023.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, 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.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if it is accessed through department computers or networks.

1023.6 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.

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Locker Rooms

1024.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each employee's rights and privacy are maintained (Wis. Stat. § 175.22).

1024.2 SECURITY

At no time will a person of the opposite sex be allowed into the locker room unless the locker room is empty of employees of the opposite sex. Entry of the opposite sex should be restricted to locker room or building maintenance or the gathering of property.

Employees who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the employee has taken care of personal affairs and has exited. Situations requiring an immediate conversation regarding the safety or security of another employee, person or citizen, will require the employee to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, an employee of the same sex may enter the locker room to obtain information from the employee.

1024.3 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. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of employee misconduct.

At no time will an employee capture, record or transfer video or audio recordings, either openly or in secret, of another employee by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones.

Employees who violate this policy are subject to discipline up to and including termination.

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DISCIPLINE

1025.1 AMINISTRATION OF DISCIPLINE

Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. Discipline can be positive or negative; it may involve encouragement, inspiration, training, or imposition of negative sanctions. The exercise of effective discipline requires foresight and planning rather than mere reaction. It involves an evaluation of the human factor which, when combined with proper training, motivation, and recognition of individual and group effort, results in self-discipline. Departmental policies, procedures, rules, and regulations are established to provide a source of educational information. It is intended that this educational information be used to aid all members of the department by providing guidance for behavior. Disciplinary measures may include recognition or corrective action. In either case, the desired result is the reassurance of employees regarding outstanding performance or the limits of acceptable conduct. In each case, care must be exercised to make the proper choice in obtaining a desired and just result. Supervisory personnel have the primary responsibility for the administration of discipline, whether recognition or corrective action. In the administration of discipline, a supervisor should consider all circumstances surrounding events leading to recognition or corrective action. Any action decided upon should lend itself to the attainment of department objectives. These guidelines describe the usual forms of recognition and corrective action but do not preclude alternative measures in the administration of either. They are in addition to standing policies.

1025.2 DISCIPLINE CONSIDERATIONS

The following guidelines are established for the consistent application of corrective action within the department. While listed progressively, the seriousness of a violation may justify initiation of corrective action at any of the defined levels.

- Consultation in the supervisory command chain, up to and including the Chief of Police, is encouraged whenever the seriousness of the offense may warrant corrective action other than a verbal warning.
- At all levels of corrective action, emphasis must center on what can be done to correct behavior, as well as informing the employee that additional violations can lead to progressive corrective action
- Nothing in these guidelines is intended to preclude a supervisor from the accepted responsibility of observation, guidance, and training of an employee.

1025.3 TYPES OF CORRECTIVE ACTION

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1025.3.1 INFORMAL CONTACT

An informal contact can be used to address minor infractions or policy violations that, at a supervisor's discretion, do not require a documented verbal warning or other action, and are not in and of themselves discipline.

- Informal contacts are to provide notice of minor infractions and corrective suggestions as needed.
- Informal contacts may be noted by supervisors and may be included in subsequent documentation if progressive discipline becomes necessary.

1025.3.2 DOCUMENTED VERBAL WARNING

A documented verbal warning can be used to correct minor infractions or policy violations.

- The written documentation of a verbal warning should be timely, but not necessarily immediate.
- It will be presented to the employee by two supervisors and be documented on the Documented Verbal Warning form
- Documented Verbal Warnings are to be forwarded to the Chief of Police or their designee.

See attachment: DOCUMENTED VERBAL WARNING.jpg

1025.3.3 WRITTEN WARNING

A written warning can be used to correct an infraction or policy violation that is of a more serious nature or for recurring minor infractions.

- Any supervisor has the authority to initiate a written warning. Before the presentation of a written warning to the employee, the division head shall review the draft, with final approval by the Chief of Police or their designee.
- Upon approval by the Chief of Police or their designee, the written warning will be presented to the employee by two supervisors. A copy of the written warning and investigation is to be forwarded to the Chief of Police for placement in the employee's personnel file.

1025.3.4 LETTERS OF REPRIMAND

A letter of reprimand can be used to correct policy violations of a more serious nature and/or repeated violations of less serious infractions.

- Supervisors, Commanding Officers, or Division Heads may initiate a request for a letter of reprimand.
- A letter of reprimand will be prepared under the direction of, and signed by, the Chief of Police or the Chief's designee.
- The Chief of Police shall deliver letters of reprimand. A letter of reprimand should include notice that a copy will be maintained in the employee's personnel file.

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1025.3.5 SUSPENSION

The Chief of Police shall deal with suspensions.

In some instances, a supervisor or commanding officer may deem it necessary to take immediate action. In those instances, the Chief of Police or their designee must be notified immediately, or as soon as practical.

1025.3.6 TERMINATION

The Chief of Police shall deal with terminations.

1025.3.7 DETERMINING DISCIPLINE

Police personnel comprise a special class of public employee. Members of the police department are the most conspicuous and visible representatives of government. All members' conduct is closely scrutinized, and when it is found to be excessive, unwarranted, or unjustified, criticism is more severe than it would be for similar conduct of persons in other walks of life. The end result of criticism is lost community support and respect. Both are necessary ingredients to the department's capacity to perform the police function. Therefore, close adherence to departmental regulations is absolutely essential to guarantee community support and to maintain effective police service.

In determining what disciplinary action should be taken, the Chief of Police may consider the following:

- All the circumstances surrounding the case.
- The seriousness of the employee's conduct in relation to their particular duties and their record with the department.
- What action the department has taken to prevent this type of conduct.
- The contemplated corrective action in light of its training value rather than strictly as a punishment for the offense.
- The disciplinary action of a corrective nature that the department has taken in similar instances.
- The probable cause of the employee's behavior.
- What corrective action will most likely eliminate the cause and prevent a recurrence.
- The officer's expected reaction to the corrective measure.
- The probable reaction of other officers to the corrective action.
- Past record of member. Repeated violators will be dealt with more severely.

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Attachments

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Ride-Along Forms_Page_1(1).jpg

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Eau Claire Police Department
Ride-Along Application and Liability Waiver

PLEASE PRINT THE FOLLOWING REQUIRED INFORMATION

FULL LEGAL NAME: _____
(full first, middle, and last name)

DATE OF BIRTH: _____ AGE: _____ SEX: _____

ADDRESS: _____
Street City , State Zip Code

PHONE NUMBER: _____
Home Work Cell

DRIVERS LICENSE # AND STATE OF ISSUE: _____

PLACE OF EMPLOYMENT/SCHOOL: _____

I, the undersigned, hereby request permission to ride in a police vehicle of the City of Eau Claire, at such times and in such areas as may be approved by the Chief of Police or his designated representative. I understand that the police vehicle will be engaged in normal police patrol and law enforcement activities, some of which may be dangerous and expose passengers to risk or harm. I acknowledge this risk of harm and voluntarily accept it and hereby agree to hold harmless and indemnify the City of Eau Claire, the Eau Claire Police Department, the individual officers, agents and employees from any and all types of claims, actions or expenses arising out of my participation in this program. I give permission to have my background checked for criminal history. I agree to the guidelines of the Ride-Along Program.

Signature of Applicant: _____ Date: _____

PERMISSION OF PARENT/GUARDIAN (if applicant is under eighteen (18) years of age)
I, the undersigned, being the parent/guardian of _____ hereby join with him/her in requesting permission for him/her to ride in a police vehicle of aforesaid and do join with him/her in granting a release and discharge to the City of Eau Claire, the Eau Claire Police Department, the individual officers and employees of the City of Eau Claire, as set out in detail above.

Signature of Parent/Guardian: _____ Date: _____

---------- **FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE** ----------

Records Check Completed: Y/N Date of Ride: _____

Permission is hereby granted/denied to the person named above, and whose signature is affixed above, to be a participant in the Eau Claire Police Department Ride-Along Program.

_____ _____
Signature of authorized officer/personnel Date

Non-sworn Complaint Form.doc

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DOCUMENTED VERBAL WARNING
EAU CLAIRE POLICE DEPARTMENT

NAME: _____

DATE OF INCIDENT/EVENT: _____

TIME OF INCIDENT/EVENT: _____

BASIS FOR WARNING:

OTHER COMMENTS/ACTIONS:

CORRECTIVE MEASURES SUGGESTED:

SUPERVISORS/OTHERS PRESENT:

COMPLETED BY: _____

DATE: _____

TIME: _____

* NOTE: Additional violations can lead to further discipline, up to and including termination.

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Complaint Form.doc

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