

# Neenah Police Department

## Neenah PD Policy Manual

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### **CHIEF'S PREFACE**

The public assumes police departments have a policy for every call, every response, every police action that might be taken. Clearly, that is an erroneous belief. Some departments do have huge policy manuals that thoroughly address a bulk of police actions. Other agencies have thin, brief policies that only cover the basics. Most agencies fall somewhere in between.

Policy is to be understood as a set of guidelines. Policies are not absolute, unbendable laws. They constitute a plan of operation that keeps police actions consistent, lawful, and just as importantly, aligned with mission. The mission and values, which Neenah PD terms its "Calling" and "Pillars of PRIDE," are the constitutional language of the department, in which all actions and decisions are rooted.

How then should each employee view the Neenah Police Department policy manual? How attentive should each officer be to the parameters written into these pages?

Our employees should hold these policies as a map to help them successfully complete their duties. There may be more than one correct way to complete a task; there are also options that are simply wrong. In many cases, policy will provide waymarks to guide an officer through a successful police action. But in some instances, policy will be silent and the officer is left to navigate without clear direction. In those cases, the language and spirit of the department mission and values must be the compass that directs employee decisions.

Can policy be ethically and lawfully violated? Yes, but it should be rare. Deviation from policy should be an exception created by unusual circumstances and defended by the language and spirit of the mission and values. It is important to remember that along with state and federal law, department policy will be used by others to judge us on whether we have acted appropriately during a significant incident.

Policy is a friend, it shouldn't be feared or begrudged. It provides structure, consistency, and affirmation for proper action. It communicates professionalism to our public safety partners and the public. We have a tremendous responsibility for the safety of our community and each other. We are entrusted with fearful decision-making authority, decisions that can be life-altering and life-threatening, often made in a split-second. It is vital that we buttress that authority and responsibility with sound training, strong organizational culture, and intelligent policy.

We are not vigilantes. Our services are not for sale to the highest bidder. We are professionals who hold ourselves to the highest of professional standards. We are, in simplest terms, Neenah's Guardians.

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### MISSION STATEMENT

Our Calling:

We are Neenah's Guardians, standing between peace and peril to keep our community safe.

We are-

- Warriors against evil
- Defenders of life
- Protectors of rights
- Friends of the people

Our Pillars of Pride:

P	R	I	D	E
Priorities	Relationships	Innovation	Duty	Excellence
Faith, Family, Work	People Matter	A Passion for Improvement	Conduct that builds Pride and Trust	Excellence Exceeding Expectations
Our personal convictions about faith define all that we do. Family is valued above work. Ideally, the three are in harmony. But when there is strong conflict, work must bow to the other two.	We value each other as employees. We treat everyone with dignity and respect, regardless of circumstances. We engage citizens and organizations as critical public safety partners.	We are not satisfied with the status quo or industry standards. We constantly look for new and creative ways to get the job done right.	We hold ourselves accountable for our actions on and off duty. We are proud of our work and we want the community to be proud of us as well.	We strive for the highest quality in all we do, creating value for our citizens- every task, every time, every day

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### **GOALS AND OBJECTIVES**

#### **1. Traffic Safety – We promote safe roadways for vehicles, bicycles and pedestrians**

##### 1.1 Education

1.1.1 Promote Bicycle and Pedestrian Safety

1.1.2 Distracted Driving

##### 1.2 Enforcement

1.2.1 Speed Reduction

1.2.2 Distracted Driving

1.2.3 OWI

1.2.4 School Zone

1.2.5 Parking Enforcement

- Conduct one Bike Rodeo per Year
- Facilitate two Crosswalk Initiatives
- Release six Traffic Safety Public Service Announcements
- Conduct two Neenah High School Initiatives
- Initiate 1200 Department Wide Speeding Contacts
- Conduct three enforcement initiatives in each neighborhood policing district
- Monthly social media posts on “law of the month”

#### **2. Crime - Our citizens deserve a community where they feel safe**

##### 2.1 Juvenile Crime

2.1.1 Reduction of Crimes in the Community

2.1.2 Reduction of Crimes in Schools

##### 2.2 Street Crime

2.2.1 Retail Theft Reduction

2.2.2 Drug Enforcement

2.2.3 Prostitution/Human Trafficking Enforcement

2.2.4 Keep Violent Crime Down

2.2.5 Protect citizens from scams

- Utilize new Police Neighborhood Districts program to identify crime trends
- Work in conjunction with the NJSD to plan for an elementary school SRO

## *Goals and Objectives*

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- Expand middle school drug and safety programming
- Educate business owners/managers on theft prevention techniques
- Conduct two drug/criminal Interdictions operations per year
- Conduct proactive prostitution/human trafficking investigation(s) in conjunction with other agencies
- Use social media to educate citizens on active scams and give one talk/presentation per year

### **3. Partnerships - We are more effective when we work in collaborative partnerships**

#### 3.1 Intra (Department)

##### 3.1.1 Operations/Professional Staff

#### 3.2 Inter (City)

##### 3.2.1 Elected Leaders

##### 3.2.2 City Departments

#### 3.3 External

##### 3.3.1 DA

##### 3.3.2 Media

##### 3.3.3 NJSD

##### 3.3.4 Community

##### 3.3.5 Other Agencies

- Invite the media to four department-driven events per year
- Stabilize channels of communication within the department
- Promote a process improvement mindset
- Encourage five or more Aldermen to participate in one four-hour ride-along with the department
- Increase knowledge about other City Departments
- Coordinate Citizens Police Academy
- Participate in city-wide Emergency Operations Training
- Participate in yearly C.A.R.T. exercises
- Conduct one District meeting per year (per district) as an open forum and invite district residents to attend

### **4. Excellence in Performance – We promote excellence as the only acceptable standard of performance**



## Goals and Objectives

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### 4.1 Employee Development

#### 4.1.1 Personal Development

#### 4.1.2 Training

#### 4.1.3 Ethical Conduct

#### 4.1.4 Leadership Development

### 4.2 Organizational Excellence

#### 4.2.1 Equipment Ownership

#### 4.2.2 Accreditation

#### 4.2.3 Quality Control

#### 4.2.4 Diversity Awareness

- Improve performance evaluations to assess individual excellence
- Send 20% of supervisors to the basic and advanced online FBI-LEEDA supervisor liability leadership courses
- Standardize which extended management course lieutenants attend when promoted
- Encourage officers to apply for training based on individual skill sets
- Maintain accreditation
- Conduct internal leadership training
- Provide diversity, bias, and de-escalation training for staff

## **5. Quality of Life - Our actions will be guided by the preservation of the well-being of the department and our community**

### 5.1 Internal

#### 5.1.1 Employee Health and Wellness

#### 5.1.2 Career Enrichment

#### 5.1.3 Family Involvement

### 5.2 External

#### 5.2.1 Community Engagement

#### 5.2.2 Vulnerable Community Member Support

- Promote mental health support programs available to staff
- Utilize new Police Neighborhood Districts program to proactively engage the community
- Increase self-initiated activity at the parks and community events

## *Goals and Objectives*

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- Seek feedback from the community through surveys
- Send officers to CIT training within five years of hire
- Updated exercise room

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



# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 POLICY

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

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

## 100.3 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)).

### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE NEENAH POLICE DEPARTMENT

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

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

### 100.3.2 OFF-DUTY PEACE OFFICER ARREST AUTHORITY

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

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

### 100.3.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION

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

- (a) The officer is on duty and on official business.

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

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

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

#### **100.4 INTRASTATE PEACE OFFICER ASSISTANCE**

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

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

##### **100.4.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE**

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

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

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- (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.

#### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended within other adjoining states:

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

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

#### **100.6 CONSTITUTIONAL REQUIREMENTS**

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

#### **100.7 INDIAN COUNTRY**

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

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

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

#### **100.8 JURISDICTIONAL BOUNDARIES**

The Patrol Division Commander or the authorized designee should be responsible for developing and maintaining jurisdictional boundary maps, ensuring that the maps are provided to all new

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members and that the maps are readily available to all members in patrol briefing areas and Dispatch.

##### 100.8.1 GEOGRAPHIC BOUNDARIES

Members should be familiar with the geographical boundaries of the department's territorial jurisdiction.

##### 100.8.2 CONCURRENT JURISDICTION

Officers may share or have equal authority within the same jurisdictional boundaries by two or more governmental entities. Officers should acknowledge that other law enforcement agencies may have lawful concurrent jurisdiction to perform and/or carry out specific law enforcement operations in the performance of their duties in routine circumstances other than mutual aid requests.

#### **100.9 CONCURRENT JURISDICTION**

NPD will have primary jurisdiction for all law enforcement activities within City of Neenah boundaries unless the enforcement action was precipitated by another agency that has concurrent jurisdiction.

Various county, state, and federal law enforcement agencies other than the Neenah Police Department have the authority to exercise police powers within the city limits. These agencies include, but are not limited to, the:

- Winnebago County Sheriff's Department
- Wisconsin State Patrol
- Wisconsin Department of Justice - Division of Criminal Investigations
- Department of Natural Resources - Conservation Wardens
- Various federal law enforcement agencies

The Neenah Police Department has Primary jurisdiction to patrol and investigate on I-41, to include all on and off ramps. The Winnebago County Sheriff's Department has Concurrent jurisdiction to conduct investigations on I-41, to include all on and off ramps. Reference the Jurisdiction Agreement with Winnebago County Sheriff's Department, the Neenah Police Department shall assume primary jurisdiction for all incidents on Interstate 41, to include all ramps to and from intersecting roadways, from the southern side of the Breezewood Ln/W. Bell St overpass to North St in the City of Neenah. The Sheriff's Office shall be the primary agency for any incidents south of Breezewood Ln/W. Bell St overpass to include Interstate 41 nb ramp to W. Bell St and the ramp from Breezewood Ln to Interstate 41 Southbound.

The Winnebago County Sheriff's Department has primary jurisdiction to conduct investigations on all waterways within Neenah City Limits for incidents beginning on the waterway. The Neenah Police Department has concurrent jurisdiction to patrol and investigate on all waterways within City Limits.

## Oath of Office & Code of Ethics

### 101.1 PURPOSE AND SCOPE

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

### 101.2 MAINTENANCE OF RECORDS

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

### 101.3 OATH OF OFFICE

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

State of Wisconsin,

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

I, the undersigned, who have been elected (or appointed) to the Neenah 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.

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 Neenah Police Department to the best of my ability. So help me God.

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

#### 101.3.1 LAW ENFORCEMENT OATH OF HONOR

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

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

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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.

#### **101.4 CODE OF ETHICS**

As a law enforcement official, sworn or unsworn, 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 to my chosen profession... law enforcement.

# Chief Executive Officer

## 102.1 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.

## 102.2 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)).

### 102.2.1 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)).

### 102.2.2 AUTHORITY

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

## 102.3 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.

# Policy Manual

## 103.1 PURPOSE AND SCOPE

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

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Neenah 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 Neenah Police Department reserves the right to revise any policy content, in whole or in part.

### 103.2.2 COLLECTIVE BARGAINING AGREEMENTS

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

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

## 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.



# Neenah Police Department

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#### **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 Neenah.

**CFR** - Code of Federal Regulations.

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

**Department/NPD** - The Neenah Police Department.

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

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

**Manual** - The Neenah Police Department Policy Manual.

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

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

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

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Neenah 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.

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

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

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

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

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

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

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

**USC** - United States Code.

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

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

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

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

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

### **103.5 ISSUING THE POLICY MANUAL**

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

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

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

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

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#### **103.7 REVISIONS TO POLICIES**

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

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

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

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

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

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

### 200.1.1 ORGANIZATIONAL CHART

## 200.2 COMMANDS

The Chief of Police is responsible for administering and managing the Neenah Police Department. There are two commands in the Police Department:

- Support Services Command
- Operations Command

### 200.2.1 SUPPORT SERVICES COMMAND

The Support Services Command is commanded by the assigned Captain, whose primary responsibility is to provide general management, direction and control for the Support Services Command, including the designation of the custodian of records. The Support Services Command consists of Technical Services, Administrative Services, Dispatch, Professional Standards Lieutenant, Community Policing Coordinator, Crossing Guards, and Volunteers.

### 200.2.2 OPERATIONS COMMAND

The Operations Command is commanded by the Assistant Chief, whose primary responsibility is to provide general management, direction and control for the Operations Command. The Operations Command consists of Uniformed Patrol, Special Operations, Traffic, Investigative Services Unit, Evidence Room and Forensic Services.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Assistant Chief will serve as the acting Chief of Police unless other arrangements are made by the Chief of Police.

### 200.3.2 UNITY OF COMMAND

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

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#### *Organizational Structure and Responsibility*

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##### 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.

[While ultimate responsibility remains with the person doing the delegating, each employee shall be accountable for his/her own actions and use of delegated authority.](#)

##### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

##### 200.3.5 CHAIN OF COMMAND

All NPD members are subordinate to the Chief of Police. Sworn Employees are subordinate to all ranks above their position.

Sworn Employees are ranked:

- Chief of Police
- Assistant Chief
- Captain
- Lieutenant
- Sergeant
- Officer / Investigator

Sworn officers responding to an operational situation will follow the command of a higher ranking employee.

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When a senior officer is at a scene and issues orders directing the activities of officers assigned to the scene, that senior officer has assumed command. That senior officer will remain in command until officially relieved.

The physical presence of a higher ranking sworn officer at an operational scene does not indicate an immediate assumption of command and decision making responsibilities.

A sworn officer may assign a subordinate officer the same authority and responsibility they possess to accomplish a specific task. The delegating officer remains responsible to complete the delegated task.

Command and Control of situations involving both the Patrol Unit and Investigative Services Unit will result in the ranking member of the Investigative Services Unit taking control of the scene once it is determined that the primary purpose has shifted to investigations.

During exceptional situations, such as during a SWAT activation, SWAT operators have a separate internal chain of command, and upon activation and deployment, SWAT Team members will follow that chain of command.

## 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 to policy and procedure, in accordance with the current collective bargaining agreement or other employment agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

#### 201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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 COMMAND STAFF

The command 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 maintains the authority to issue, modify, or approve written directive.

The Chief of Police, Assistant Chief, Professional Staff Captain, or an 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 receipt and review of any new Departmental Directive. Lexipol Acknowledgement, paper acknowledgement forms, and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Professional Staff Captain.



# Training

## 202.1 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.

## 202.2 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.

## 202.3 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.

## 202.4 TRAINING PLAN

It is the responsibility of the Professional Standards Lieutenant 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 Professional Standards Lieutenant shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of sworn officers or hiring of non-sworn employees.

Training listed may be provided in basic training programs. The Professional Standards Lieutenant 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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##### 202.4.1 MANDATED TRAINING

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

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

##### 202.4.2 DEPARTMENT TRAINING REQUIREMENTS

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

- (a) Emergency Operations Plan (supervisors and other appropriate personnel yearly), includes:
  - 1. Familiarization with the Emergency Operations Plan and the roles police personnel will play when the plan is activated.
  - 2. A full or partial exercise, tabletop or command staff discussion.
- (b) CPR/First-aid/Narcan refresher (every two years)
- (c) Firearms training (all sworn employees twice a year)
- (d) Defense and arrest tactics (DAAT) (all sworn employees annually)
- (e) ECD device, impact weapon, chemical weapon or other control devices (yearly)
- (f) Prior to the carry of a firearm sworn officers shall receive electronic or paper copies and demonstrate understanding of all use of force policies
- (g) All use of force policies (all sworn employees review annually)
- (h) Search, seizure and arrest (all sworn employees annually)
- (i) Ethics (all sworn employees every three years)

##### 202.4.3 SPECIALIZED TRAINING

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

- (a) Skill development training upon promotion or assignment to a specialized position.
- (b) Training for newly appointed non-sworn members to include:
  - 1. The department's role, purpose, goals, policies and procedures.
  - 2. Working conditions and regulations.
  - 3. Responsibilities and rights of employees.
- (c) Remedial training requirements to include:

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1. Situations under which remedial training shall be utilized
2. Timeline for completion
3. Consequences for failure to successfully complete

#### **202.4.4 REMEDIAL TRAINING**

Remedial training is directed at resolving a specific issue or deficiency, unacceptable behavior, or improving the performance of a member in a particular area within a given time period. Once it has been determined that remedial training is needed, the training should be conducted as soon as practicable. Remedial training shall be documented in the same manner as other training. Failure to participate or satisfactorily respond to remedial training may result in disciplinary action.

#### **202.5 TRAINING NEEDS ASSESSMENT**

The Training Unit will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from the Training Committee. 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 following fiscal year.

#### **202.6 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. First choice vacation
  3. Sick leave
  4. Physical limitations preventing the employee's participation
  5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.
  2. Document his/her absence in a memorandum to his/her supervisor.
  3. Make arrangements through his/her supervisor and the Professional Standards Lieutenant to attend the required training on an alternate date.

#### **202.7 TRAINING RECORDS**

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

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##### **202.8 FIELD TRAINING PROGRAM**

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

##### **202.9 NON-SWORN PERSONNEL ORIENTATION**

The Professional Staff Captain, or designee, is responsible for ensuring a system is in place for all newly appointed non-sworn personnel to be provided with the appropriate information regarding their position so that they may understand their role, responsibilities, and rights.

##### **202.10 TRAINING RECORDS REQUIREMENTS**

For each training program conducted by the Department, the Professional Standards Lieutenant shall maintain records to include:

- (a) Course content or lesson plan.
- (b) Dates of training course.
- (c) Names of persons in attendance.
- (d) Names and qualifications of training instructors.
- (e) Performance of attendees, including test results if applicable.
- (f) Retention or records of course materials (e.g., articles, newsletters, videos, handouts).

##### **202.11 CERTIFIED INSTRUCTORS**

When the Department conducts in-house training for a LESB Unified Tactics topic, a LESB-certified instructor in the topic of instruction must monitor the training.

## Electronic Mail

### 203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Wisconsin Public Records Laws). Messages transmitted over the email 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.

### 203.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 203.3 PROHIBITED USE OF EMAIL

The department email 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 email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should

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seek prior approval from the Chief of Police or a Division Commander. Personal advertisements or announcements are not permitted.

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

#### **203.4 MANAGEMENT OF E-MAIL**

A managed inbox with limited messages increases the efficiency of the system and user. Users of e-mail are solely responsible for the management of their mailboxes. Employee inboxes should be managed regularly with messages either deleted or moved into folders.

#### **203.5 EMAIL RECORD MANAGEMENT**

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

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

#### **203.6 CITY OF NEENAH - INTERNET AND E-MAIL POLICY**

Internet and E-mail Policy

#### **203.7 EMAIL SIGNATURES**

All members will use the default signature template (below) that is provided for web based Microsoft Outlook or the computer Outlook application. A signature is not required for phone based application. Members may change their name, title, and email address but may not make any additions to the signature line and will not add any famous quotes or sayings above or below the signature on any email platform. Members may also change the phone number to their direct line.

## **Administrative Communications**

### **204.1 PURPOSE AND SCOPE**

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

### **204.2 MEMORANDUMS**

Memoranda 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.

### **204.3 CORRESPONDENCE**

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Official correspondence and use of letterhead requires approval of a supervisor.

### **204.4 SURVEYS**

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

### **204.5 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 Division Commander.

## Supervision/Staffing Levels

### 205.1 PURPOSE AND SCOPE

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

### 205.2 MINIMUM STAFFING LEVELS

We will ensure adequate supervisory staffing levels to provide supervision to all working employees.

### 205.3 SHIFT SUPERVISORS

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions, and objectives. To accomplish this goal, a lieutenant heads each watch.

When a lieutenant is unavailable for duty as Shift Supervisor, in most instances a sergeant shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior officer as an acting Shift Supervisor when operational needs require or training permits.

### 205.4 SUPERVISORY ASSIGNMENTS

Investigative Services Unit and Investigative Services Lieutenant's will have supervisory assignments. This could include, but is not limited to, Sergeants, Officers, and/or Investigators. Supervisors are expected to be accountable for the performance of employees under their immediate supervision.

Supervisors shall conduct performance evaluations for all non-probationary sworn members, who have a separate evaluation schedules, on a schedule and manner dictated by NPD policy. Probationary sworn members shall be evaluated according to the FTO program evaluation schedule.



# Former 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 Neenah 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 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 Neenah 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 FEES**

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

##### **206.3.2 CARD REVOCATION**

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

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##### **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).

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.

# Emergency Operations Plan

## 207.1 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).

## 207.2 POLICY

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

## 207.3 DEPARTMENT RESOURCES

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

### 207.3.1 SEARCH AND RESCUE

The Neenah Police Department Search and Rescue (SAR) operates in compliance with all applicable regional and statewide agreements during all activities associated with locating, rescuing and recovering lost, stranded, injured or otherwise incapacitated individuals. SAR operations shall be consistent with the requirements of the National Incident Management System (NIMS). Local SAR guidelines shall, at a minimum, address:

- The nature and scope of permitted search and rescue operations.
- The availability of all necessary equipment and resources.
- Required training and certification for members conducting search and rescue operations.

## 207.4 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 request EPS support through the County Sheriff. The State EPS Deputy Director will assist with mutual aid

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response from local, state and federal law enforcement agencies to provide requested resources to this department.

##### **207.4.1 RECALL OF PERSONNEL**

In the event that the Emergency Operations Plan is activated, all employees of Neenah 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.

##### **207.5 LOCATION OF THE PLAN**

The Emergency Operations Plan is available in Administration and the Shift Commander's office. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

##### **207.6 UPDATING THE PLAN**

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

##### **207.7 PLAN REVIEW**

At least once every two years, the Department should conduct a review of the City Emergency Operations Plan to ensure the plan conforms to any revisions made by the National Incident Management System (NIMS), state, area and county plans.

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force (Wis. Stat. § 66.0511(2)).

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.

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

**De-escalation** - An officer's use of time, distance and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual.

**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.

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

**Line Duty Assignment** - A duty assignment that places the officer into contact with the general public in a manner which would likely, through the course of that assignment, likely result in law enforcement action , e.g. Patrol and Active Investigative assignments.

**Imminent Threat** - An impending likelihood of trouble; in this context, "Imminent Threat" of death or great bodily harm to you or another is a justification for the use of deadly force.

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

[See attachment: DAAT Manual Glossary of Terms.pdf](#)

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### **300.2 POLICY**

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

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

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

#### **300.2.1 DUTY TO INTERVENE AND REPORT**

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent or stop the use of unreasonable force (Wis. Stat. § 175.44).

Any officer who intervenes and/or observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations and/or intervention to a supervisor as soon as practicable after the occurrence of the use of force (Wis. Stat. § 175.44).

#### **300.2.2 PERSPECTIVE**

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

#### **300.2.3 ADDITIONAL CONSIDERATIONS**

The duty to intervene and report applies without regard to the chain of command.

### **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 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.



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

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

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

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

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

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

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- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.3 CONTROL ALTERNATIVES & PROTECTIVE ALTERNATIVES

**Control Alternatives:** Control alternatives can be used to overcome passive resistance, active resistance, or their threats. These include:

- Escort Holds
- Compliance Holds
- Control Devices
- Passive Countermeasures

**Protective Alternatives:** Protective alternatives can be used to overcome continued resistance, assaultive behavior, or their threats. These include:

- Active Countermeasures
- Incapacitating Techniques
- Intermediate Weapons

#### 300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

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

#### 300.3.5 CHOKE HOLD

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

#### 300.3.6 ADDITIONAL REQUIREMENTS

Any use of force by an officer shall be undertaken in good faith to achieve a legitimate law enforcement objective.

Once control is achieved, officers must reduce the level of force to that needed to maintain control. Officers may also reduce or terminate the level of force depending on the reasonableness, justification, and desirability considerations.

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

Deadly Force Justification: Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons. When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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 great bodily harm.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the 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 great bodily harm 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 Threat Criteria: Weapon, Intent, & Delivery System.

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:

- 1. The person is capable of causing death or serious bodily injury (DELIVERY SYSTEM).
- 2. It is reasonable to believe the person intends to use it against the officer or another (INTENT).
- 3. The person has a weapon, or is attempting to access one (WEAPON).

An imminent danger may also exist if the individual is capable of causing great bodily harm or death without a weapon, and the officer believes the individual intends to do so.

##### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should 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.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle, except under extreme circumstances where stopping the vehicle is necessary to protect life.

##### **300.4.2 TARGET SPECIFIC DIRECTED FIRE**

Target Specific Directed Fire is an application of deadly force that is authorized in certain limited situations. It is purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to officers or others, but whom the officer

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may not be able to clearly observe. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.

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

Any use of force by a member of this department, equal to or greater than Compliance Holds as listed in Wisconsin's LESB standard Intervention Options, shall be documented promptly, completely and accurately in an IAPro Use of Force report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

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

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

- (a) Use of force, greater than handcuffing
- (b) The application caused a visible injury.
- (c) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (d) The individual subjected to the force complained of injury or continuing pain.
- (e) The individual indicates intent to pursue litigation.
- (f) Any application of the electronic control device or control device.
- (g) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (h) The individual subjected to the force was rendered unconscious.
- (i) An individual was struck or kicked.
- (j) An individual alleges unreasonable force was used or that any of the above has occurred.
- (k) A weapon was displayed by officer. (firearm, taser, 40MM launcher)

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

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

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

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- (d) Involving an act of resistance taken by a civilian against an officer that results in great bodily harm or death.

#### **300.6 MEDICAL CONSIDERATIONS**

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to all incidents involving a use of force by officers, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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

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

#### 300.7.1 SHIFT COMMANDER RESPONSIBILITY

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

#### 300.7.2 POST USE-OF-FORCE REMOVAL FROM DUTY

- 1. An officer, who's actions or use of force result in serious physical injury, should be reassigned from his/her line duty assignment pending administrative review of the incident.
  - (a) For any critical incident resulting in death or great bodily harm to another, refer to the Officer-Involved Shootings and Deaths policy.
- 2. Department members assigned to administrative duty shall be assigned to office duties. The member(s) shall be prohibited from public contact in an official capacity that places the member(s) in a position that would likely result in law enforcement action.

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3. Any department member placed on administrative duty or reassigned under this section shall adhere to the Code of Conduct and standard operating procedures.

**\*A post use-of-force removal from duty is not disciplinary in nature and does not infer any impropriety of conduct by the involved officer.\***

#### **300.8 POLICY AVAILABILITY**

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

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

#### **300.9 TRAINING**

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

Subject to available resources, officers should receive periodic training on:

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

##### **300.9.1 ADDITIONAL TRAINING REQUIREMENTS**

Officers shall also receive annual training related legal updates.

The Department adopts the Defensive and Arrest Tactics (DAAT) training system per the Wisconsin LESB. Officers shall also be trained on the DAAT system.

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

NPD Administration will conduct a documented annual analysis of use-of-force incidents to identify trends that could reveal the need for training, equipment, or policy modifications.

NPD Administration will utilize the IA Pro Internal Affairs program's ability to identify Officers who display tendencies for violations of agency policy and expectations.

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

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

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

#### 301.1.1 DEFINITIONS

**Serious Physical Injury** - Bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive (in lieu of stitches); any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.

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

**Line Duty Assignment** - A duty assignment that places the officer into contact with the general public in a manner which would likely, through the course of that assignment, likely result in law enforcement action, e.g. Patrol and Active Investigative assignments.

### 301.2 POLICY

The Neenah 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 REMOVAL FROM LINE DUTY ASSIGNMENT

Whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or great bodily harm to another, that employee will be placed in a temporary administrative assignment or administrative leave pending an administrative review. The Chief of Police may waive this requirement.

### 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, dispatching of a non-domesticated animal or recreational use.

The Command Staff, ~~including the~~ Professional Standards Lieutenant, may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Administration Division Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved



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employee to notify the Administration Division Commander of any incidents requiring board review. The involved employee's Division Commander or supervisor 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 Administration Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each command
- Commanding officer in the involved member's chain of command
- Professional Standards Lieutenant
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same command as the involved employee will serve as chairperson.

##### 301.4.2 RESPONSIBILITIES OF THE BOARD

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

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 does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. 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.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

# 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 Neenah 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 Neenah 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.

## 302.4 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.

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

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

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

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

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

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

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

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

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. The primary device is the WRAP restraint system which is located in the supervisor vehicle. Any person in auxiliary restraints should be monitored as reasonably appears necessary. The ankle restraint portion of the system will be in all marked cars. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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

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

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

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

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

When applying leg restraints the following guidelines should be followed:

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

When applying the WRAP restraint system the following guidelines should be followed:

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- (a) If practicable, officers should notify a supervisor of the desire to apply the WRAP restraint system. In all cases, a supervisor shall be notified as soon as practicable after the application of the ankle restraint portion of the WRAP restraint system assigned to an officer patrol car.
- (b) Apply the WRAP system restraint as outlined in training provided by the Professional Standards Lieutenant. Officers are permitted to use the system in its entirety or with just the upper harness to prevent handcuffs from being moved to the front of a subject. Use of the helmet on the subject is dependent on the behaviors of the subject and reasonable judgment of the officer.
- (c) Once applied, absent a medical or other emergency, the WRAP restraint system should remain in place until the officer arrives at the jail or other facility.
- (d) Once secured, the person should be placed in either a side recovery position or seated in an upright position. Transport shall be done with the subject secured with a seat belt.
- (e) The restrained person should be continually monitored by an officer while in the WRAP restraint system.
- (f) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (g) When transported by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. This is to ensure the subject can be quickly removed from the system or have adjustments made at the request of medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **302.8 REQUIRED DOCUMENTATION**

If a person 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 a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

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Any use of leg restrains or any part of the WRAP restraint system shall be documented promptly, completely and accurately in an IAPro Use of Force report.

#### **302.9 TRAINING**

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

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

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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 actively resisting or demonstrating the threat of active resistance, the Neenah 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 PROFESSIONAL STANDARDS LIEUTENANT RESPONSIBILITIES

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

Every control device will be periodically inspected by the Professional Standards Lieutenant or the designated instructor for a particular control device. The inspection shall be documented.

#### 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 a service request explaining the cause of the damage, shall be returned to the Professional Standards Lieutenant 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 great bodily harm 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 or external vest carrier. 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 Commander, Incident Commander or Crisis Response Unit 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 active resistance. 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 department issued device in its holster on the equipment belt or on an external vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

##### **303.7.2 TREATMENT FOR OC SPRAY EXPOSURE**

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

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##### **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.
- (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.

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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 great bodily harm or death to the officer or others.

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

The Professional Standards Lieutenant 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 at least every two years.

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

##### **303.10.1 MANDATORY CARRY**

On duty uniformed officers working patrol, are required to carry two of the three control devices listed below. On duty investigators (ISU, LWAM Investigator and School Resource Officers) are required to carry one of the listed control devices.

- Baton
- Oleoresin Capsicum
- ECD (See the Electronic Control Device policy)

#### **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.

## Electronic Control Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of electronic control devices (ECDs).

### 304.2 POLICY

The ECD is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING ECDS

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

The Professional Standards Lieutenant should keep a log of issued ECDs and the serial numbers of cartridges/magazines issued to members.

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

Officers shall only use the ECD and cartridges/magazine that have been issued by the Department. Cartridges/magazines should not be used on patrol after the manufacturer's expiration date.

Uniformed officers who have been issued the ECD shall wear the device in an approved holster.

Officers who carry the ECD while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All ECDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the ECD.
- (c) Officers should not hold a firearm and the ECD at the same time.

Non-uniformed officers may secure the ECD in a concealed, secure location in the driver's compartment of their vehicles.

#### 304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued ECD is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

ECDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Professional Standards Lieutenant for disposition. Officers shall submit documentation stating the reason for the return and how the ECD or cartridge/magazine was damaged or became inoperative, if known.

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##### **304.4 VERBAL AND VISUAL WARNINGS**

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

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

If, after a verbal warning, an individual fails 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the ECD. The laser should not be intentionally directed into anyone's eyes.

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

##### **304.5 USE OF THE ECD**

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

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying an ECD may be considered for officer safety.

###### **304.5.1 APPLICATION OF THE ECD**

The ECD may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

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

The use of the ECD 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 potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any ECD capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) 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.

#### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE ECD

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands, other options or tactics may be more effective.

#### 304.5.5 DANGEROUS ANIMALS

The ECD may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

#### 304.5.6 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that ECDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

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#### **304.6 DOCUMENTATION**

Officers shall document all ECD discharges in the related arrest/crime reports and the ECD report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the ECD report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes or training, will also be documented on the report form. Data downloads from the ECD after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

##### **304.6.1 ECD REPORT FORM**

As applicable based on the device type, items that shall be included in the ECD report form are:

- (a) The brand, model, and serial number of the ECD and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of ECD probes deployed, ECD activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the ECD was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Professional Standards Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Professional Standards Lieutenant should also conduct audits of ECD device data downloaded to an approved location and reconcile ECD report forms with recorded activations. ECD information and statistics, with identifying information removed, should periodically be made available to the public.

##### **304.6.2 REPORTS**

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

- (a) Identification of all personnel firing ECDs
- (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 ECD may be used. A supervisor should respond to all incidents where the ECD was activated.

A supervisor should review each incident where a person has been exposed to an ECD. The device's internal logs should be downloaded by a supervisor or Professional Standards Lieutenant and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **304.8 TRAINING**

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

Proficiency training for personnel who have been issued ECDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Professional Standards Lieutenant. All training and proficiency for ECDs will be documented in the officer's training files.

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

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

The Professional Standards Lieutenant is responsible for ensuring that all members who carry ECDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of ECDs during training could result in injuries and should not be mandatory for certification.

The Professional Standards Lieutenant should include the following training:

- (a) A review of this policy
- (b) A review of the Use of Force Policy
- (c) Performing reaction-hand draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin
- (e) Scenario-based training, including virtual reality training when available



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- (f) Handcuffing a subject during the application of the ECD and transitioning to other force options
- (g) De-escalation techniques
- (h) Restraint techniques that do not impair respiration following the application of the ECD
- (i) Proper use of cover and concealment during deployment of the ECD for purposes of officer safety
- (j) Proper tactics and techniques related to multiple applications of ECDs

# Officer-Involved Shootings and Deaths

## 305.1 PURPOSE AND SCOPE

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

In other incidents not covered by this policy, the 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.

### 305.2.1 DEFINITIONS

**Law Enforcement Agency** - A governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

**Law Enforcement Officer** - Any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

**Officer-Involved Death** - A death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

**DCI** - Wisconsin Department of Justice, Division of Criminal Investigation

**Officer Involved Critical Incident** - An incident that results in the death or great bodily harm of a person due to actions of an officer while on duty or off duty but performing activities that are within the scope of the officers law enforcement duties,

**Great Bodily Harm** - Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury

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### **305.3 CONTROL OF INVESTIGATIONS**

Officer involved deaths require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

Investigators from surrounding agencies or DCI 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 Neenah Police Department could control the investigation if the suspect's crime occurred in Neenah.

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 involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

#### **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 NPD 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.

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- (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 NPD 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 NPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional NPD 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 NPD officer should be given an administrative order not to discuss the incident with other involved officers or NPD 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 SHIFT 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 Division Commander.

All outside inquiries about the incident shall be directed to the Shift Commander.

#### 305.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

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- Chief of Police
- Investigative Services Division Commander
- District Attorney
- Outside agency investigators (if appropriate)
- Professional Staff Captain supervisor
- Civil Liability Response Team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

#### 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 NPD 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-NPD 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 NPD officer. A licensed psychotherapist may also be provided to any other affected NPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member is addressed in the Wellness Program Policy.

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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. [Neenah PD Policy Manual: 1028.6 PEER SUPPORT COMMUNICATIONS](#)

Each involved NPD 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.

#### **305.4.6 INDEMNIFICATION**

Sworn personnel affiliated with the department and acting in a sworn capacity are indemnified when acting under the authority of the department and in accordance with department policy and procedure. This is in accordance with state statute 62.25(2).

#### **305.4.7 FAMILY NOTIFICATION**

The Shift Commander or the authorized designee shall ensure that each involved officer is afforded the opportunity to make a timely notification to their family regarding the incident and report their general health.

The Shift Commander or the authorized designee shall follow department procedures in making timely notification to the officer's family when the officer is seriously injured or killed.

Communication of information concerning an officer and the incident should be restricted to secure networks to avoid interception by the media or others.

#### **305.5 CRIMINAL INVESTIGATION**

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

If the officer-involved death being investigated is traffic-related, the investigation must include the use of a crash reconstruction unit from a law enforcement agency separate from NPD (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) NPD supervisors and Professional Staff Captain personnel should not participate directly in any voluntary interview of NPD 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.

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- (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.

The Neenah Police Department recognizes the extensive resources required to complete an effective Officer Involved Critical Incident investigation as required by §175.47. It is the Neenah Police Departments policy not to take on investigations for outside jurisdictions and instead refer to the Wisconsin Department of Criminal Investigations.

#### 305.5.1 REPORTS BY INVOLVED NPD OFFICERS

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

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

Nothing in this section shall be construed to deprive an involved NPD 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

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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 Investigative Services Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes if the ISU is assigned to assist. Department investigators will be assigned to work with investigators from the outside investigating agency and/or District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the outside investigating agency and/or District Attorney's Office.

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

#### **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 NPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Staff Captain and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved



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officer shall be provided with a copy of the officer's 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.
  - 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, the officer should be given the officer's *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 Professional Staff Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### 305.6.1 INVOLVED OFFICER DUTY STATUS

- (a) A member directly involved in any officer involved critical incident resulting in death or great bodily harm to another, may either be relieved from all police duty or be assigned to administrative leave or duty by the Chief of Police or designee. Either the Chief of Police or Designee will prepare an internal memo directing the change in duty status for the involved officer and the change will be documented in IA Pro.
- (b) Department members assigned to administrative duty shall be assigned to office duties. The member(s) shall be prohibited from public contact in an official capacity that places the member(s) in a position that would likely result in law enforcement action.
- (c) If a significant number of department members are involved in a critical incident and are assigned to the same work shift, the Chief of Police or designee may temporarily adjust personnel schedules or assignments to ensure proper police coverage.

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- (d) Any department member placed on administrative duty or reassigned under this section shall adhere to the Code of Conduct and standard operating procedures.
- (e) Any return to duty shall be determined by the Chief of Police or Designee.
  - 1. The Chief of Police or Designee may require the involved member to undergo a required psychological review prior to return to duty status.
  - 2. The Chief of Police or Designee will prepare an internal memo directing the a return to duty status for the involved officer and the change will be documented in IA Pro.

**\*A post use-of-force removal from duty is not disciplinary in nature and does not infer any impropriety of conduct by the involved officer.\***

#### **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. 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 prosecuting attorney or City Attorney's Office, as appropriate.

#### **305.9 DEBRIEFING**

Following an officer-involved shooting or death, the Neenah Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

##### **305.9.1 TACTICAL DEBRIEFING**

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

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##### **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, Investigative Services Division Commander and Public Information Officer in the event of inquiries from the media.

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

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

##### **305.11 REPORTING**

When an officer's action results in, or is alleged to have resulted in, injury or the death of an individual, occurs in the Neenah Police Department jurisdiction, and qualifies to be reported to the Wisconsin Department of Justice, the Patrol Command will ensure that the Professional Staff Captain is provided with enough information to meet the reporting requirements (Wis. Stat. § 165.845(2)).

##### **305.12 NOTIFICATION OF OFFICER'S FAMILY**

- (a) The timely notification of the family of an officer involved in an officer involved shooting should be considered.
  - 1. Officers may contact family members on their own.
  - 2. A discussion with the officer about contacting family should occur in a timely manner after the incident.
  - 3. In the event an officer is unable to contact family on their own, the Chief of Police or Designee shall do so in a timely manner.
- (b) In the event an officer is injured, the Chief of Police or Designee shall contact the Officer's family in a timely manner.
- (c) In the event of a Line-of-Duty death, refer to the Line-of-Duty Death policy.

## Firearms

### 306.1 PURPOSE AND SCOPE

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

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

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

### 306.2 POLICY

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

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Professional Standards Lieutenant. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range. New officers will receive a copy of the Use of Force Policy (300) and demonstrate knowledge of the policy before being issued any firearm.

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

#### 306.3.1 PATROL RIFLES

The authorized department-issued patrol rifle is the AR 15 .223. The following additional patrol rifles are approved for on-duty use:

- |   |
|---|
| 1. Enhanced Patrol Rifle (.308 & Magnified Scope assigned to qualified Snipers) |
| 2. CZ Scorpion EVO 3 W/folding brace in 9MM                                     |

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.

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

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

#### 306.3.2 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun and holster/method of carry shall be in good working order and approved by the Chief of Police or designee.
- (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 the Professional Standards Lieutenant 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 complete the approved secondary carry course of fire under range supervision and thereafter should complete the approved course of fire when completing the primary carry qualifications. 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 Professional Standards Lieutenant, who will maintain a list of the information.
- (i) Probationary officers may carry a secondary handgun upon advancement into Step 5 of the FTO program.
- (j) The Secondary Handgun may be carried as the primary weapon during training, conference attendance, office duty, special duty assignments (i.e. MEG Unit), or other situations deemed appropriate by the administration.

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##### 306.3.3 HANDGUNS

The authorized department-issued handgun is the Glock Model 17 .9mm. The following additional handguns are approved for on-duty use:

Glock Model 19

Glock Model 26

An *approved* secondary handgun may be carried as the primary duty weapon during training, conference attendance, office duty, special duty assignments (i.e. MEG Unit), or other situations deemed appropriate by the administration. This approval is contingent upon yearly completion of the State's handgun qualification course with the approved secondary handgun.

##### 306.3.4 PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Professional Standards Lieutenant prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Professional Standards Lieutenant, who will maintain a list of the information.
- (e) The holster shall be in good working order and approved by the Chief of Police or designee (such as the Professional Standards Lieutenant).
- (f) The Department may provide .380, 9mm, .40, and .223 ammunition for approved duty use, depending on availability, otherwise 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.

##### 306.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded or limited should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, **in conjunction with their department credentials**, will be required to meet the following guidelines (Wis. Stat. § 941.23):

- (a) A personally owned firearm and holster shall be in good working order.

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1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
  2. Members are advised to train with the weapon in order to gain proficiency with it.
- (b) The firearm should be carried concealed **or** with badge clearly visible at all times.
  - (c) The firearm should be carried in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
  - (d) Members shall only carry department-authorized ammunition in department owned weapons.
  - (e) When armed with a department owned weapon, officers will carry their badges and Neenah identification cards under circumstances requiring possession of such identification.
  - (f) Officers should be cognizant of their responsibilities while carrying off duty in the capacity of a sworn law enforcement officer.

Nothing in this policy applies to an officer carrying off-duty in accordance with CCW laws (Wi. Stat. § 941.23(2)(d)&(e)) or Open Carry laws.

#### **306.3.6 DUTY AMMUNITION**

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed at the direction of the Professional Standards Lieutenant, Range officer, or firearms instructor when needed, in accordance with established policy.

The Department may provide .380, 9mm, and .40 ammunition for approved duty use, depending on availability, otherwise 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.

#### **306.3.7 RECORDS**

The Professional Standards Lieutenant or designee shall maintain a record of each firearm approved for official use.

#### **306.4 EQUIPMENT**

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

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

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

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

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repair must be authorized in advance by the Professional Standards Lieutenant. This requirement does not include specialty grips.

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

#### 306.4.2 HOLSTERS

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

#### 306.4.3 TACTICAL LIGHTS

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

#### 306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty or on a department issued firearm carried off-duty, after they have been examined and approved by the Professional Standards Lieutenant. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### Mini Red-Dot Sights (MRDS)

The following is a list of handguns, MRDSs, slide modifications and holsters approved for on duty use by the Neenah Police Department. This is a general list and will be updated as technologies and equipment improves and becomes more available.

1. Handguns
  - (a) Department issued Glock 17 MOS
  - (b) Personally owned handgun approved by the Professional Standards Lieutenant and the Chief of Police
2. MRDS
  - (a) Trijicon RMR (type 2 or newer)
  - (b) Holosun line of reflex sights
  - (c) Leopold Delta Point Pro
3. Backup Iron Sights



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- (a) The handgun must be equipped with backup iron sights that can be used while the MRDS is mounted. The officer must demonstrate proficiency with these sights when qualifying with their handgun.
- 4. Holsters
  - (a) Holster must be approved by the Professional Standards Lieutenant.
- 5. Transition Course for MRDS Duty Use
  - (a) An officer who wishes to transition to a MRDS for duty use will have to complete the Neenah Police Department MRDS transition course which includes but is not limited to drawing drills, dry fire drills and live fire training.
  - (b) The live fire training and State of Wisconsin Handgun Qualification Course must be completed with a state certified firearms instructor who has completed a MRDS course instructed by an outside professional firearms trainer who focuses on MRDS.

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

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Professional Standards Lieutenant. Members shall not dry fire or practice quick draws except as instructed by the Professional Standards Lieutenant or other firearms training staff.
- (c) Members shall not load or unload a firearm without pointing the weapon in a safe direction with adequate backstop.
- (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, or 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, or SWAT Team Leader.
  - 1. Exceptions are Emergency Situations for the Administrative M16 and SWAT Snipers with their assigned rifle.
- (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 Professional Standards Lieutenant,

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firearms instructor, or armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Professional Standards Lieutenant, firearms instructor, or 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.

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

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction with adequate backstop or into clearing barrels.

Personally owned firearms or personally issued long guns may be safely stored in lockers at the end of the shift. Unissued or spare Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Long guns shall be unloaded in a safe manner and then stored in the appropriate equipment storage location when not in use.

SWAT Operators may carry their assigned (or personally owned) rifle in their assigned vehicle as deemed acceptable by the SWAT Team Leader.

All assigned, unattended lockers must be locked, regardless of content.

##### **306.5.2 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 should be aware that negligent storage of a firearm could result in civil and criminal liability (Wis. Stat. § 948.55).

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

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

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

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

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

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

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

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

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

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

##### **306.6.2 REMEDIAL TRAINING**

If an officer fails one of the Sections of the State of Wisconsin Annual firearms qualification course three times, then the instructor will stop the qualification for the day. The officer will have to sign off on a dry fire training course before going back to the range. The dry fire training course should be written by the instructor who attempted to have the officer pass the qualification course.

Once the dry fire training is complete, the officer should notify the firearms instructor who designed the training. Arrangements will be made for the officer to return to the live fire range within two weeks with a different instructor and attempt to re-qualify. If an officer fails the qualification course again, the administration will be notified for possible removal from active duty.

##### **306.7 CONCEALED CARRY CERTIFICATION FOR FORMER NPD OFFICERS**

In order to obtain a certification card, WSA § 175.49 requires a former law enforcement officer to have an aggregate of at least 10 years of law enforcement service. The 10 years aggregate can be waived if the former LE officer separated from service due to a service-connected disability after completing a probationary period.

In addition, the former law enforcement officer must meet the same standards for qualifications in firearms training for active NPD sworn officers to carry a firearm. The designated NPD Instructor will determine whether a person meets the standards for qualification. If a person fails to meet the minimum requirements, a certification card will not be issued.

To apply for this certification card, former NPD officers must contact the Professional Standards Lieutenant.

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

#### **306.8.1 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, electronic control device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

#### **306.8.2 INJURED/ILL 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. Members should use frangible ammunition in these cases.

#### **306.8.3 WARNING AND OTHER SHOTS**

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

### **306.9 RANGE MASTER DUTIES**

The range will be under the exclusive control of the Range Master; the certified firearms instructor conducting the training or a supervised designee. All members attending will follow the directions of the Range Master. The Range Master will maintain a roster of all members attending the range and will submit the roster to the Professional Standards Lieutenant after each range date. Failure

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of any member to sign in and out with the Range Master may result in non-participation or non-qualification.

All range training must be conducted under the supervision of a Certified Firearms Instructor with the correct certification in the firearm being trained.

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

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

Firearms Instructors who conduct training shall complete and submit to the Professional Standards Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Professional Standards Lieutenant should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as needed.

#### **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 Neenah Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Neenah Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Neenah Police Department an NLETS message containing a unique

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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 associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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

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

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

## 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:

**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.

**Channelization** - Not itself a technique that induces a fleeing driver to stop; it is used to divert a driver to a preferred location. That location might be one that is less populated or less traveled, or it might be one more conducive to a forcible stop.

**Moving roadblock (boxing-in)** - A tactic that may be appropriate in low-speed pursuits, and can also be used for intoxicated drivers and disoriented drivers who fail to stop at the request of law enforcement.

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**Pursuit Intervention Technique (PIT)** - A controlled contact between a patrol unit and the pursued vehicle at low speeds, intended to cause the operator of the pursued vehicle to lose control of their vehicle.

**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.

**Roadblock with escape route** - The placement of vehicles or other objects on the roadway to impede or alter the normal flow of traffic. In a roadblock with an escape route, the roadway is either not completely blocked or an alternate escape route is provided. The intention is to provide a show of force to convince the suspect that escape is impossible and induce the operator to give up.

**Roadblock with no escape route** - A technique in which the roadway is completely blocked, and no alternate route is provided. If the suspect does not voluntarily stop, they will crash, with great potential for injury to the suspect and others in the area.

**Tire-deflation devices** - Spiked strips or sticks that are put down on the roadway to deflate the tires of any vehicle running over them. The tires lose air, making continued travel difficult or impossible.

**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, or 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)).

**Violent Felony** - For the purposes of this directive, a "violent felony" is any felony where a suspect has taken a life, attempted to take a life, or through intentional conduct has seriously endangered a life or attempted to.

The following are examples of violent felonies (this list is not exhaustive):

1.Any felony involving the use, or threatened use, of a firearm or deadly weapon.Such as:

- A. Murder
- B. Manslaughter
- C. Armed Robbery
- D. Carjacking

2.Vehicular Homicide

3.Kidnapping

4.Leaving the scene of an accident involving serious injury or death

5.Aggravated Battery/Assault on a citizen or law enforcement officer with a deadly weapon and/or resulting in serious injury



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### **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)) **AND a "violent felony" has been committed.**

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.

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

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (e) The hazards to uninvolved bystanders or motorists.
- (f) 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)).
- (g) When directed to terminate the pursuit by a supervisor.

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- (h) 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)).

#### **Officer responsibilities upon calling off pursuit:**

- a. Notify dispatch and fellow officers of your intent to terminate the pursuit via radio**
- b. Reduce speed to speed limit**
- c. Turn off emergency equipment**
- d. Confirm terminating the pursuit with dispatch and notify them of your location**
- e. Pull over and stop briefly**
- f. Continue to drive normally along suspect's last known route to check for accidents or other problems**

#### **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.

#### **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.

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##### 307.4.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

##### 307.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

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

##### 307.4.4 PURSUIT DRIVING TACTICS

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

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

#### **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 not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

#### **307.4.6 PURSUIT TRAILING**

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

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the

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trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

This policy distinguishes between a motor vehicle chase and a Failure to Yield. If an officer attempts a lawful traffic stop and the driver of the vehicle continues driving without any change in behavior (no increase in speed, obeying traffic signs and signals) then the officer is authorized to continue following the vehicle and attempting the stop. This policy is intended to mitigate the risk to the community, and if the vehicle that fails to yield continues to operate safely, the officers may continue to follow.

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

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

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

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage NPD units when a pursuit enters another jurisdiction.
- (j) 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 Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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

#### **307.6 COMMUNICATIONS**

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

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

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

#### **307.7 INTERJURISDICTIONAL CONSIDERATIONS**

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

##### **307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

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

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

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

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##### **307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

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

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

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

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

##### **307.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology. Induce-to-stop techniques are intended to induce, but not force, the fleeing driver to stop. These are techniques that make it difficult for a driver to continue to flee, but not entirely impossible. The techniques include:

- (a) Tire-deflation devices.
- (b) Channelization.
- (c) Moving roadblocks (boxing-in).
- (d) Roadblock with escape route.
- (e) Pursuit Intervention Technique (PIT).

Any force-to-stop technique is considered deadly force, and justification for an officer's use of deadly force is behavior that presents an imminent threat of death or great bodily harm to officers or



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others. Force-to-stop techniques give the driver only two options, surrender or crash. As a result, the courts consider force-to-stop techniques to be an application of deadly force. The techniques include:

- (a) Roadblock with no escape route.
- (b) Ramming.

#### 307.8.1 WHEN USE IS AUTHORIZED

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

#### 307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### 307.8.3 INTERVENTION STANDARDS

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

- (a) Tire-deflation devices:
  - 1. Timing is critical, requiring good communication and coordination among officers.
  - 2. When deploying tire-deflation devices, there should be adequate warning and sufficient distance to permit the suspect to stop before reaching the device.
  - 3. Naturally, other traffic should be diverted to avoid innocent bystanders from driving over the device.
  - 4. The tire-deflation device may be used in coordination with a roadblock (with an escape route).
  - 5. Proper training is necessary in order for officers to use this technique.
- (b) Channelization
- (c) Roadblock with escape route:

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1. The goal is to leave the driver with only one available route to travel, by blocking off alternatives.
  2. The number of officers required depends on the number of alternative routes that must be blocked.
  3. The same guidelines apply with respect to providing sufficient warning and adequate distance for the driver to avoid the blocked-off road and choose the preferred route. As with a roadblock with escape route, other traffic should be kept out of the area.
- (d) Moving roadblock (boxing-in):
1. The suspect vehicle should be surrounded by three patrol units - one in front, one in back, and one to the side (just behind the driver door).
  2. Once in position, the vehicles gradually slow, bringing the suspect vehicle to a safe, gradual stop.
  3. Achieving and maintaining the formation requires careful communication, as does coordinating the slowing down.
  4. Because the actions of the suspect cannot be controlled, this is a high-risk maneuver. There is considerable potential for the technique to go wrong and result in a crash. If the suspect displays a weapon or if one is used in the suspect vehicle, the technique should not be used, or it should be aborted if officers are attempting to set up this technique.
- (e) Roadblock with escape route:
1. The roadblock should be set up on a straight, level stretch of roadway with adequate sight distance to give the suspect time to stop.
  2. If possible, other traffic should be diverted away from the location.
  3. Emergency lights must be turned on and visible, to warn the suspect (and any other motorists) of the roadblock in time to stop.
  4. The roadway can be blocked with law enforcement vehicles (with emergency lights on), traffic cones, flares, and/or other barricades.
  5. The escape route should be obvious.
- (f) Pursuit Intervention Technique (PIT):
1. The pursuing officer should position the patrol unit so that its front corner is next to the suspect vehicle's rear corner.
  2. The officer should match speed with the suspect, making gentle contact between the vehicles, and then steer the patrol unit into the suspect's vehicle.
  3. This maneuver should cause the suspect vehicle to spin, while the officer is able to maintain control of their patrol unit.
  4. PIT is a specific technical maneuver that requires officer certification and advanced practical training before use.

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5. Because the successful completion of the PIT maneuver can cause the suspect to lose control of their vehicle, officers must carefully choose the location for executing it. There should be no other traffic or pedestrians that could be put at risk. The pursuing officer must communicate with other officers their intent to execute the PIT maneuver and the intended location, so that they can clear the area and be ready to assist if the suspect surrenders, crashes, or continues to flee.
- (g) Roadblock with no escape route:
1. Other traffic shall be diverted or stopped before reaching the roadblock area.
  2. The roadblock shall be identified with emergency lighting to give warning.
  3. The suspect shall have adequate sight distance and time to stop if the suspect chooses to do so.
  4. Officers shall communicate to ensure that their actions are coordinated and officers are not put at risk.

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

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

Generally, high risk tactics should be used in the capture of suspects involved in a pursuit.

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

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

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

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police 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

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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 Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
- (e) At least annually, but no later than June 30th of every even-numbered year, the Chief of Police or the authorized designee shall direct a 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 Professional Staff Captain shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/Department of Transportation via WisDOJ WILENET system's Law Enforcement Pursuit Report. The report shall be filed no later than August 15th of each year and shall contain information on (Wis. Stat. § 85.07(8)(b)):
1. The circumstances of the vehicle pursuit, including the distance, location and maximum speed.
  2. The reasons for initiating the vehicle pursuit.
  3. The outcome of the vehicle pursuit, including the number of deaths or great bodily injuries and an estimate of the value of any property damage.

#### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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3.07(4)). For purposes of LESB reporting obligations, the time period for annual training begins July 1st, and ends June 30th.

#### 307.9.2 POLICY REVIEW

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

## Officer Response to Calls

### 308.1 PURPOSE AND SCOPE

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

### 308.2 RESPONSE TO CALLS

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

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

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

### 308.3 REQUESTING EMERGENCY ASSISTANCE

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

#### 308.3.1 NUMBER OF UNITS PARTICIPATING

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

### 308.4 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.

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- (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.

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

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

#### 308.4.1 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)).

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

#### **308.5 SUPERVISORY RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated, the Shift 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 Shift 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 authorize an emergency response, the Shift 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 must terminate the emergency response and continue accordingly.

The officer shall notify the Shift Supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.



# Canines

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

It is the policy of the Neenah 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 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Commander.

## 309.4 CANINE COORDINATOR

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

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

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

## 309.5 REQUESTS FOR CANINE TEAMS

Patrol supervisors are encouraged to request the use of a canine. Call out of Off-Duty canine units is the decision of the Shift Supervisor based upon the situation, the availability of other working area canine units, and the time of delay for call in.

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##### **309.5.1 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.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### **309.5.2 PUBLIC DEMONSTRATION**

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

#### **309.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is 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 is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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 presents an imminent threat to officers, the canine, or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

#### 309.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

#### 309.6.2 WARNINGS AND ANNOUNCEMENTS

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

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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.

#### **309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES**

Handlers should document canine deployments in a canine use report. 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 IAPro. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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

A canine is not subject to quarantine if the canine is immunized against rabies. However, after a bite, the canine must be made available for examination at any reasonable time. The handler shall notify the local health department if the dog exhibits any abnormal behavior (Wis. Stat. § 95.21).

#### **309.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions 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 presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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##### **309.7.1 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.

##### **309.7.2 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.

##### **309.7.3 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, 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.

#### **309.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates). In absence of a fence, a kennel is needed. An in-home option may be available upon approval of Operations Captain, or designee.
- (c) Living within 30 minutes travel time from the Neenah City limits.
- (d) Agreeing to be assigned to the position for a minimum of five years.

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##### **309.9 HANDLER RESPONSIBILITIES**

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Neenah Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Commander.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

##### **309.9.1 CANINE IN PUBLIC AREAS**

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

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

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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 canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **309.10 HANDLER COMPENSATION**

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

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement or memorandum of understanding (29 USC § 207).

#### **309.11 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 file.

#### **309.12 TRAINING**

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

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

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

##### **309.12.1 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 Neenah Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

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- (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 the Department.

#### 309.12.2 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.

#### 309.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file, or dedicated software equivalent

#### 309.12.4 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. Alternatively, the Neenah Police Department may work with outside trainers with the applicable licenses or permits.

#### 309.12.5 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.

#### 309.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

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



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- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

#### **309.13 CANINE VEHICLE**

The Canine Vehicle is a take-home vehicle assigned to the Canine handler.

When assigned to the Patrol Division, as a marked squad car, the Canine Vehicle shall have the following added functions beyond that of a normal squad car:

- (a) Bail out door popper (ie. a Hot & Pop)
- (b) K-9 Kennel
- (c) Cooling system with alerts via pager or cellular transmitter

A marked squad car Canine vehicle should have the following items available as best practice:

- (a) Travel Dishes
- (b) Leashes (long, medium, & short)
- (c) Harness
- (d) Collars
- (e) Rubber mat for dog kennel
- (f) Cleaning supplies for kennel cleanup
- (g) First Aid Kit

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

### 310.3 OFFICER SAFETY

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

### 310.4 INVESTIGATIONS

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

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

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Neenah 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 that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

#### 310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

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- (b) Provide information to victim regarding 72 hour No-Contact provisions
- (c) Provide suspect release information:
  - (a) Provide the victim information on WI-Vine services which allow them to register for notification changes in custody for the suspect.
  - (b) Advise victim if suspect is released from custody prior to being taken to 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.
- (i) Request assistance from the Victim Crisis Response Team when 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 that constitutes a crime shall arrest the person because any of the following apply (Wis. Stat. § 968.075(2)):

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

#### 310.9.2 REPORTS AND RECORDS

An officer who does not make an arrest when the officer has reasonable grounds to believe a person has committed an act of domestic abuse shall include a statement in the written report indicating why the person was not arrested. The officer will ensure the report is sent to the

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appropriate prosecutor immediately after the investigation has been completed (Wis. Stat. § 968.075(4)).

#### **310.9.3 DOMESTIC ABUSE CONTACT PROHIBITIONS NOTICE**

Unless there is a signed waiver by an alleged victim, any employee of the Neenah 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 the person has received notice of, and understands the requirements, the consequences of violating the requirements, and the provisions of Wis. Stat. § 939.621. If the arrested person refuses to sign the notice, the person shall not be released from custody (Wis. Stat. § 968.075).

#### **310.10 OFFICER INVOLVED DOMESTIC VIOLENCE**

##### **310.10.1 INCIDENT RESPONSE**

- (a) If there is a domestic abuse incident in the department's jurisdiction where an officer is the alleged offender, the shift supervisor will be notified and respond and the Chief of Police or designee will be notified by the chain of command.
- (b) If the incident involves a member of the Neenah Police Department, an outside agency will be contacted and requested to conduct the investigation.
- (c) The responding officer should ensure that the shift supervisor has been notified and otherwise handle the situation on scene in a manner consistent with the policies used in all domestic violence cases.
- (d) If an arrest is made, applicable departmental policies related to duty status, assignment, or suspension will be followed.
- (e) If a domestic violence related arrest is made of a law enforcement officer from another agency, the other agency shall be notified of the arrest, the specific charge, and the time of the arrest, as soon as is reasonable after the arrest.
- (f) If the incident involves a member of the Neenah Police Department, the shift supervisor shall secure all agency issued firearms or other weapons assigned to the involved officer and make record of the action.

##### **310.10.2 VICTIM SAFETY AND PROTECTION MEASURES**

- (a) If an incident involves a member of the Neenah Police Department and within the jurisdiction of the department, a supervisor will ensure that the status of a 72-hour no contact provision is made known to the Patrol section and, if the no-contact provision is enforced, an added patrol of the officer's home will be directed.
- (b) If an officer is arrested for a domestic violence incident, he/she must notify the Assistant Chief as soon as possible, but no later than prior to the beginning of the next shift.

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- (c) If desired by the victim, the Chief of Police or designee shall meet with the victim to discuss any safety concerns that they may have regarding the involved officer.
- (d) Witness or Victim Intimidation / Coercion:
  - (a) All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, they shall report it immediately to the investigator in charge of the case through the proper chain of command.
  - (b) Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary actions, and possible sanction and/or criminal charges.
  - (c) An officer who knowingly makes a false report that a victim of an officer-involved domestic violence has committed a crime (such as child abuse or neglect) will be subject to investigation, and possible sanction and/or criminal charges.
  - (d) An employee who threatens, harasses, or abuses someone using agency resources such as work time, workplace telephones, fax machines, mail, e-mail, or other means shall be subject to corrective or disciplinary action. The agency will not tolerate domestic violence against any employee or by any employee while in city/county/state office facilities, vehicles or while conducting business on behalf of the agency.
  - (e) Agency employees will not accompany law enforcement officers /employee suspects to any domestic related court proceedings while on duty unless subpoenaed to appear or ordered to do so by their chain of command. If appearing while off duty, they will neither carry nor display any agency equipment, to include assigned firearms or insignias on their person, concealed or not. They must be aware of the fact that their mere presence in domestic violence related actions may appear intimidating to the victim.

#### 310.10.3 POST INCIDENT PROCEDURES

- (a) If a criminal investigation is required, an outside agency shall be requested to conduct the investigation. The criminal investigation should be completed before the subject officer is interviewed by departmental personnel for any internal investigation associated with the event. The Assistant Chief may authorize a subject officer interview prior to the conclusion of the criminal investigation based on the circumstances of the internal/criminal investigations.
- (b) An Internal Affairs Investigation may be opened, at the discretion of the Chief of Police, to determine if the officer has violated any departmental policies.
- (c) When an officer is served with a protective injunction of any type, they are required to notify their supervisor and the Assistant Chief prior to the beginning of the next shift. The officer is required to keep departmental authorities informed of the status of their case. If necessary, alternative duty assignments shall be made until the first full hearing on the protective order has been completed.
- (d) In cases where a temporary injunction is extended to become a "permanent" injunction, the officer may not be able to perform the necessary functions of a police



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officer, in that he / she will no longer be able to carry a firearm and may be subject to termination.

#### 310.10.4 PREVENTION, EARLY WARNING, AND INTERVENTION

##### (a) Prevention

1. NPD shall conduct thorough background investigations of all entry-level and lateral officer candidates to determine if elder abuse, child abuse, domestic violence, and/or sexual assault issues exist.
2. NPD may conduct computer criminal checks on employees for possible protection orders.
3. NPD may utilize a truth verification or honesty/integrity assessment during the pre-hire screening process.
4. NPD shall require a psychological examination of all candidates as part of a conditional offer of employment to be performed by an experienced psychologist and/or psychiatrist.
  - (a) The psychological screening should include looking for indicators of violence or abusive tendencies or behaviors in their background. Pre-employment psychological tests are the first behavioral observations of the applicant, and they provide a wealth of information.
  - (b) Pre-employment psychological tests should be considered one tool to assess potential candidates, but it should not be the only assessment considered. The goal of the pre-hire screening is to use many assessment tools to form a total picture of the candidate's background and character.
5. NPD shall promote a culture which is supportive of officers' mental health treatment.
  - (a) Utilization of critical incident stress debriefings and availability of counseling assistance to personnel involved in shootings and other critical incidents.
  - (b) Publicize the availability of treatment and counseling, including the Employee Assistance Program, within the agency, and assure all personnel seeking assistance of the confidentiality of the procedures.

##### (b) Early Warning

1. NPD shall utilize computerized data to track the behavior of law enforcement officers (IAPRO).
  - (a) Citizen complaints, incidents of use of force, vehicle crashes, inquiries, and investigations provide examples of information entered into the early identification system.
  - (b) NPD Administrative staff will address any concerns identified by the computerized data system (IAPRO).
2. Performance Appraisal should allow for observations of ongoing behavior that may be of concern and should be identified.

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(c) Intervention

- (a) All officers need to understand this agency's intolerance of domestic violence and their responsibility to report knowledge they have concerning domestic violence on the part of an officer, except in the case where that officer is the victim.
- (b) Officers are encouraged and entitled to seek confidential assistance from the department (i.e. supervisor, law enforcement chaplain, mental health professional etc.) to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- (c) Officers who disclose to any member of the agency that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.
- (d) Officers with definitive knowledge of violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanctions and/or criminal charges. (Exception applies to an officer who is a victim of domestic violence)

(d) Education

- 1. NPD shall provide in-service and/or roll-call training regarding domestic violence and stalking.

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

The Department is committed to addressing domestic abuse by members.

##### **310.11.1 INCIDENT RESPONSE**

Calls reporting domestic abuse that may involve a department member will be processed in the same manner as similar incidents not involving department members.

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

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

##### **310.11.2 FIREARMS**

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

- (a) Informing the Shift Commander of the nature of the alleged offense. The Shift Commander may order the member to surrender the department-issued weapons, identification, and badge pending related administrative and/or criminal decisions.
- (b) Overseeing the seizure of any other firearms or dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (see the Search

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and Seizure Policy). Members restricted by law or court order from possessing a firearm and/or ammunition shall not be allowed to work or be in areas where actual or constructive possession of firearms and/or ammunition is possible.

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

#### 310.11.3 VICTIM SAFETY AND PROTECTION MEASURES

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

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

#### 310.11.4 PREVENTION

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

- (a) Reviewing hiring criteria.
- (b) Outreach to victim advocacy groups.
- (c) Support services such as an employee assistance program, chaplain/clergy, mental health professional, and referrals for counseling services.
- (d) Education about behaviors that may be indicators of potential domestic abuse.
  - 1. This should include training on early intervention measures.

# 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 Neenah Police Department personnel to consider when dealing with search and seizure issues.

## 311.2 POLICY

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

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

## 311.3 SEARCHES

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

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

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

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

Additional exceptions may include:

- Pat-down weapon searches (i.e., stop and frisk with reasonable suspicion to fear for own or others' safety).
- Crime scenes (i.e., protective sweep).
- Inventory searches (seized vehicle or other property). See the Vehicle Towing and Release Policy and the Custodial Searches Policy.

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- Plain view, plain touch, and plain smell searches.
- Open field searches.
- Search of a vehicle (moveable vehicle exception).
- Emergency aid.
- Other authorized situations derived from state or federal constitutions, case law, or local/state statute (e.g., licensed premises inspections).

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

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

#### 311.3.1 SEARCH WARRANTS

When required, search warrants and affidavits shall be prepared by department personnel with assistance from the District Attorneys Office. (Also see [Neenah PD Policy Manual: 606.4 SEARCH WARRANTS](#))

#### 311.3.2 WARRANT EXECUTION

Once secured, officers have five (5) days to execute the Search Warrant from the day the judge signs the warrant. Holidays and Weekends count in the 5 day time frame. Upon execution of the search warrant, a copy shall be left with the person and or at the property searched. (NOTE: A copy of the affidavit is NOT given to the person or left at the property). If the warrant is not executed in the 5 day time frame, a new warrant process must be started.

#### 311.3.3 WARRANT RETURN

After execution of the search warrant, a search warrant return must be completed and attached to the warrant. The search warrant return should itemize all items seized pursuant to the warrant execution. The search warrant must be returned within 48 hours of execution. This 48 hour period does NOT include the period between 4:30 PM Friday and 8:00 AM Monday, or any court holidays. When returning the search warrant, officers should make two additional copies of the warrant, the affidavit and the warrant return. All the originals and copies must be taken to the County Clerk of Courts office where they will be date and time stamped by the Clerk of Courts. Once stamped, they should be distributed as follows:

- Original warrant, affidavit and return stays with the Clerk of Courts
- One copy of the warrant, affidavit and return goes to the District Attorneys Office
- One copy of the warrant, affidavit and return goes to the Neenah Police Department case file.

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##### **311.3.4 CONSENT SEARCH**

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

##### **311.4 SEARCH PROTOCOL**

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

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

##### **311.5 DOCUMENTATION**

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

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

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

##### 311.5.1 PAROLE AND PROBATION SEARCHES

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

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

## 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 Neenah Police Department (34 USC § 11133).

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

#### 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.
- (h) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

#### **312.2 POLICY**

The Neenah 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 Neenah 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 Neenah 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 Neenah Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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

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

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

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

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

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

Officers should take custody of a juvenile and temporarily hold the juvenile at the Neenah 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 Neenah Police Department without authorization of the arresting officer's supervisor or the Shift Commander.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and should not be held more than two hours following the conclusion of processing, testing, and/or interrogation. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Neenah Police Department (34 USC § 11133; Wis. Stat. § 938.20).

Officers should consider using the least restrictive alternative while protecting public safety, order, and individual liberty in dealing with juvenile suspects, to include warnings, citations or summonses in lieu of being taken into custody, and juvenile referrals.

##### **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 Neenah Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

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

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent) or otherwise authorized under Wis. Stat. § 48.19 et seq. or Wis. Stat. § 938.19. Juvenile status offenders may not be held in secure custody (34 USC § 11133).

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##### 312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

When a juvenile offender is taken into custody, the officer taking the juvenile into custody shall immediately 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, warning, or with a juvenile referral 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).

##### 312.4.4 SECURE CUSTODY

The Neenah Police Department had decommissioned the municipal lockup, removing the option for either secure custody or temporary secure custody. While in temporary custody, no Juvenile offender will be held inside a locked enclosure at the Neenah Police Department. The booking room is not considered a secure/locked enclosure with respect to this policy and juveniles shall not be left inside it without direct supervision.

Handcuffing a juvenile offender to a fixed object is not authorized without extenuating circumstances and supervisor approval, and the object must be designed and intended for such use.

##### 312.4.5 RELEASE AFTER PROCESSING

Absent exceptional circumstances, juveniles should be released within two hours following the conclusion of processing, testing and/or interrogation.

##### 312.4.6 ALTERNATIVES TO TEMPORARY CUSTODY

Officers shall use the least restrictive of reasonable alternatives in dealing with juvenile offenders. Officers may consider as alternatives to taking a juvenile into custody:

- (a) Release with no further action.

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- (b) Citations or summonses to appear at intake in lieu of being taken into custody.
- (c) Referral to juvenile court.

#### **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 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Neenah Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **312.7 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 Neenah Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

#### **312.8 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Neenah 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 placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Neenah Police Department.

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##### **312.9 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 Neenah Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigative Services Command supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Attorney.
- (e) Evidence preservation.

##### **312.10 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.

Juvenile suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies.

In the absence of a parent or guardian, a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands his constitutional rights.

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

Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing and, whenever possible, should be conducted by only one to two officers at a time.

###### **312.10.1 RECORDING CUSTODIAL INTERROGATIONS**

Officers shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place of detention unless good cause is shown for not making a recording or an exception applies.

If feasible, officers shall make an audio/visual recording of the custodial interrogation of a juvenile, in its entirety, when it is conducted at a place other than a place of detention unless good cause is shown for not making a recording or an exception applies.

Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment (Wis. Stat. § 938.195(2)).

Exceptions to an audio or audio-and-visual recording of a juvenile interrogation include (Wis. Stat. § 938.31(3)(c)):

- (a) The juvenile refuses to respond or cooperate in the interrogation if a recording is being made.
  - 1. The juvenile's refusal shall be documented by contemporaneous audio or audio-and-visual recording or in a written report.

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- (b) The juvenile's statement is made in response to a question asked as part of the routine processing.
- (c) The juvenile's statement is made spontaneously and not in response to a question.
- (d) The officer, in good faith, fails to make a recording because the equipment does not function, or it malfunctions, stops operating or the officer inadvertently fails to operate the equipment properly.
- (e) Exigent public safety circumstances exist that prevent the officer from making a recording or that render the making of such a recording infeasible.

An officer conducting a custodial interrogation is not required to inform the juvenile that the officer is making an audio/visual recording of the interrogation (Wis. Stat. § 938.195(3)).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Services Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### **312.10.2 ADDITIONAL CONSIDERATIONS**

Officers should not prolong the interrogation of a juvenile beyond what is reasonably needed to complete the investigation. Interrogations should generally be conducted by one officer, if possible. It is recommended that no more than two officers be present for an interrogation.

#### **312.11 RESTRICTIONS ON FINGERPRINTING AND PHOTOGRAPHING**

Juveniles should be booked, fingerprinted, and photographed and formal criminal charges filed under any of the following circumstances (Wis. Stat. § 165.83):

- (a) For an offense that is a felony
- (b) For an offense that is a misdemeanor or a violation of an ordinance involving burglary tools, commercial gambling, dealing in gambling devices; for contributing to the delinquency of a child, dealing in stolen property, possessing and selling controlled substances under Wis. Stat. Chapter 961; for violations involving firearms, dangerous weapons, explosives; for pandering, prostitution, or committing violations involving sex offenses where children are victims; or for issuing worthless checks
- (c) For an offense charged as disorderly conduct but that relates to an act connected with one or more of the above offenses
- (d) If the juvenile is a fugitive from justice

#### **312.11.1 JUVENILE PHOTOGRAPHS AND RECORDS**

All photographs and records of juveniles shall be kept separate from adult photographs and records (Wis. Stat. § 938.396).

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This department does not allow copies of juvenile photographs to be automatically obtained by parents, guardians, or legal custodians. However, parents, guardians, or legal custodians may submit a written request to review a juvenile's record or photograph in compliance with the Records Maintenance and Release Policy (Wis. Stat. § 938.396).

#### **312.12 JUVENILE REFERRALS**

When a juvenile is arrested for a criminal offense, or probable cause exists to arrest, they can be referred on charges.

- Juvenile referrals shall be referred to Winnebago County Juvenile Intake.
- Juveniles are released back to a parent or guardian if in custody
- Juvenile intake should be contacted for violent crimes or juveniles on supervision.

#### **312.13 JUVENILE OPERATIONS**

The juvenile operations and functions of the Department shall be consistent with state and local law, and this policy. The Chief of Police shall assign a supervisor to be responsible for establishing processes and procedures relating to juvenile operations.

# Adult Abuse

## 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others.

### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care.

## 313.2 POLICY

The Neenah Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

## 313.3 NOTIFICATION

Members of the Neenah Police Department will notify the Aging and Disability Resource Center (ADRC) when an officer takes a report of adult abuse of an elder at risk or adult at risk.

For purposes of notification, an "elder adult at risk" is any person who is 60 years of age or older who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 46.90(1)(br)). An "adult at risk" is any adult 18 years of age or older who has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs, and who has experienced, is experiencing or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation (Wis. Stat. § 55.01(1)(1e)).

See 313.9 for forms and contact information.

Aging and Disability Resource Center (ADRC)

Ofc: 920-236-4695

Fax: 920-424-7521

## 313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.



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- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)).

### **313.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **313.5.1 REQUEST FOR ASSISTANCE**

If requested, a member shall accompany an investigator or worker from ADRC to residences of a victim and provide assistance as requested or necessary when (Wis. Stat. § 46.90(5)(c); Wis. Stat. § 55.043(2)):

- (a) The investigator or worker is investigating suspected abuse, neglect, self-neglect or financial exploitation.
- (b) The victim is 60 years of age or older or is 18 years of age or older and has a physical or mental condition that substantially impairs his/her ability to care for his/her own needs.

The identity of the requesting investigator/worker should be documented.

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### **313.6 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

### **313.7 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 ADRC at 920-236-4695.

#### **313.7.1 SUPERVISOR RESPONSIBILITIES**

The Investigative Services Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including the appropriate county elder-adult/adult-at-risk agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigative Services Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

#### **313.7.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigative Services Unit supervisor so an interagency response can begin.

### **313.8 STATE MANDATES AND OTHER RELEVANT LAWS**

Wisconsin requires or permits the following:

#### **313.8.1 RECORDS SECTION RESPONSIBILITIES**

The Records Section is responsible for:

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- (a) Providing a copy of the adult abuse report to ADRC by faxing the report to 920-424-7521.
- (b) Retaining the original adult abuse report with the initial case file.

#### **313.8.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

#### **313.8.3 RESTRAINING ORDER**

When an officer reasonably believes that an elder adult or adult at risk is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should contact ADRC and request that they obtain a restraining order against the person alleged to have committed or threatened such abuse, if that person is not in custody (Wis. Stat. § 813.123).

officer Action taken by the officer should be documented in any related report.

#### **313.9 FORMS / LAWS**

[See attachment: Alleged Elder Adult At Risk Report-Ombuds-Lic.pdf](#)

[See attachment: Elder and Adult At Risk Referral Form.pdf](#)

[See attachment: EPP Facility Admission Guide and Associated Documents 4.22.15.xlsx](#)

[See attachment: Adults-at-Risk-Laws-10.06.pdf](#)

# Child Abuse

## 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Neenah Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

### 314.1.1 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).

## 314.2 POLICY

The Neenah 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.

## 314.3 MANDATORY NOTIFICATION

Members of the Neenah Police Department shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

- (a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.
- (b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.
- (c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.
- (d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.
- (e) Cases where the child has been involved in sex trafficking or prostitution.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide

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

#### **314.3.1 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 Coroner shall also be notified (Wis. Stat. § 48.981(5)).

#### **314.4 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).

#### **314.5 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 the child's 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 the child's 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.

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

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
  - 1. A court has ordered the removal of the child.
  - 2. The child is suffering from illness or injury or is in immediate danger from the child's surroundings and removal from those surroundings is necessary.
  - 3. The child has been abandoned (Wis. Stat. § 48.13(2)).

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

#### **314.5.1 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).

#### **314.5.2 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).

#### **314.6 STATE MANDATES AND OTHER RELEVANT LAWS**

Wisconsin requires or permits the following:

##### **314.6.1 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

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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)).

#### **314.6.2 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Wis. Stat. § 48.981(7)).

#### **314.6.3 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)).

#### **314.6.4 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)).

#### **314.6.5 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD**

An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of the court order.

#### **314.7 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.



# Missing Persons

## 315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 315.1.1 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).
- (d) Are veterans or active-duty members of the military and there is reason to believe that they are at risk due to a physical or mental health condition, and a report was made within 72 hours of their disappearance (Wis. Stat. § 175.51).

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Wisconsin Transaction Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

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##### **315.2 POLICY**

The Neenah Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

##### **315.3 REQUIRED FORMS, PROTOCOLS, AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigative Services Unit supervisor should ensure the following forms and kits are developed and available:

- A Missing Person Worksheet(s)
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification protocol
- Medical records release form
- Biological sample collection kits

##### **315.4 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.

##### **315.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
  1. The missing person's information should include, but is not limited to:
    - (a) Name
    - (b) Date of birth
    - (c) Physical description
    - (d) Clothing description to include jewelry
    - (e) Vehicle description (if applicable)

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- (f) Last known contact date, time, and location
  - (g) Known associates or places
  - (h) Relevant habits
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast an ATL (Attempt To Locate) Time System message if the person is under 16 years of age or there is evidence that the missing person is at risk. The ATL should be broadcast as soon as practicable.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  - 1. Immediately, when the missing person is at risk.
  - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

#### **315.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

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##### **315.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

##### **315.6.2 RECORDS SECTION RESPONSIBILITIES**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notify and forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notify and forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Investigative Services Unit.
- (e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

##### **315.7 INVESTIGATIVE SERVICES UNIT FOLLOW-UP**

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

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- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the TIME System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and Exploited Children and Adults® and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **315.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The Investigative Services Lieutenant should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (b) A missing child's school is notified.
- (c) Removals/cancellations are made in the applicable missing person networks.

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- (d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **315.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **315.9 CASE CLOSURE**

The Investigative Services Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Neenah or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **315.10 CHILD ABDUCTION RESPONSE TEAM (CART)**

**Winnebago County Unified CART Team:** (Child Abduction Response Team)

- Winnebago CART criteria for activation:
  - When the Criteria for an Amber Alert is met
  - A non-Family abduction of a child under 18 not meeting Amber Alert criteria
  - When a child under 18 whose whereabouts are unknown with at least one of the following criteria:
    - Out of the zone of safety for his/her age, developmental stage and/or physical condition

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##### Mentally Diminished

##### Medical and/or Drug Dependent

- When any other abduction or missing child investigation that requires an immediate response in order to protect a child whose life or well being is perceived to be at risk or if an abductor has expressed a potential for violence or could endanger the child.
- Activation Notification
  - Notify Chief of Police or his/her designee of an existing child abduction investigation.
  - The Chief or his/her designee, in conjunction with CART Team Coordinators, will approve the activation of the Winnebago County Wide CART Team.
  - If the Chief or his/her designee are not available, a shift supervisor can work with CART Coordinators to make the decision to activate the CART team.
  - Dispatch has an updated CART Roster that can be accessed.
    - Updated rosters will be maintained by Winnebago County Wide CART Coordinators.
    - An updated copy will be maintained at the Neenah Police Department and kept in accessible locations (notably N9's Office)
  - Once approved, dispatch will send alerts to CART members notifying them of the nature and the location of the call-out.
  - The Neenah Police Department CART administrator is the ISU Lieutenant.
- All Winnebago County Wide CART activations, investigations, training, and member selection will be conducted in accordance with the Winnebago County Wide CART policy and memorandum of understanding.
- CART Coordinators are tasked with the oversight of the following divisions:
  - Logistics Division (resource allocation)
  - Search Operations Division (document searches, oversee civilian volunteers)
  - Canvass (conduct searches)
  - Investigations Division (crime scene processing, victim/family advocate, investigate leads and tips)
  - Intelligence Division (data entry, prioritize leads)
  - Technology(prepare maps)
  - Legal Division (Attorney from Winnebago County District Attorney's Office)

Additional resources in the investigation of abducted children are available from the National Center for Missing and Exploited Children at: **1-800-843-5678**; or the Wisconsin Clearinghouse for Missing and Exploited Children (7:45 a.m. to 4:30 p.m., Monday through Friday only, at **1-800-843-4673**.

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#### *Missing Persons*

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##### **315.11 ALERTS AND CRITERIA**

- Amber Alert Criteria
  - The child must be 17 years of age or less.
  - The child must be in immediate danger of death or serious bodily harm. danger of serious bodily harm or death.

Family abductions may qualify if there is evidence that the child's life is in immediate danger.

For our purposes, all stranger abductions are deemed to meet this criteria.
  - There must be enough descriptive information about the child(ren), the suspect(s) and/or the suspect's vehicle(s) to believe that a broadcast n immediate alert would help to locate the child.
- To activate an Amber Alert see [Neenah PD Policy Manual: 316.4.3 PROCEDURE](#)
- Silver Alert Criteria
  - The missing person is 60 years of age or older.
  - The missing person is believed to have Alzheimer's, dementia, or another permanent cognitive impairment that poses a threat to their health and safety.
  - There is reasonable belief that the missing person's disappearance is due to their impaired cognitive condition.
  - The Silver Alert request is made within 72 hours of the individual's disappearance.
  - There is sufficient information available to disseminate to the public that could assist in locating the missing person.
  - The missing person has been entered into NCIC.
- To activate a Silver Alert see [Neenah PD Policy Manual: 316.5.2 PROCEDURE](#)
- Green Alert Criteria
  - Should a member receive a report of a missing veteran at risk that is provided within 72 hours of the individual's disappearance, according to Wisconsin Act 175, **we must issue a Green Alert** using the Wisconsin Crime Alert Network (WCAN) as soon as practically possible if it is determined that all of the following applies:
    1. There is reason to believe that the veteran at risk is missing due to his or her physical or mental health condition.
    2. There is sufficient information available to disseminate that could assist in locating the missing veteran.
- To issue a Green Alert, see [Neenah PD Policy Manual: 316.7.2 PROCEDURE](#)



## Public Alerts

### 316.1 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.

### 316.2 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.

### 316.3 RESPONSIBILITIES

#### 316.3.1 MEMBER RESPONSIBILITIES

Members of the Neenah Police Department should notify their supervisor, Shift Commander or Investigative Services Unit 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.

#### 316.3.2 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 Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the appropriate Division Commander

#### 316.3.3 MYSTATEUSA

The Winnebago County MYSTATE USA system is maintained by the county Emergency Management Office. The system may be used for public notification for events of the following type:

- Emergency Evacuation, ie. - hazmat spill, SWAT, etc.
- Public notification, ie. - lost person, sex offender, etc.'

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#### *Public Alerts*

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Public Notifications must be authorized by the Chief or their designee. Winnebago County Dispatch should be contacted to create the notification with provided emergency information and the affected geographic location.

#### **316.3.4 WCAN - WISCONSIN CRIME ALERT NETWORK**

The Wisconsin Crime Alert Network (WCAN) is a statewide program that links law enforcement agencies, the public and business community in a partnership to fight crime. WCAN allows law enforcement agencies to send out crime alert bulletins rapidly to the general public and business community whenever a crime or suspect may affect citizens or their businesses. The program can provide assistance in crime prevention, locating missing adults, finding stolen property, and identifying suspects.

For the purposes of asking for assistance in solving crimes that have occurred, a message can be drafted and sent only to other law enforcement agencies, either by region or the whole state.

Only authorized and trained members of the department may send WCAN messages. The messages are sent via fax, email and or text message.

#### **316.3.5 PRESS, WEBSITE AND SOCIAL MEDIA**

When a public alert is determined necessary supervisors should keep in mind the uses and help that can be provided by putting information out using the press, the Department website and social media.

When available, supervisors should contact the Community Policing Coordinator in order to facilitate a press release when asking for assistance from the press. The Community Policing Coordinator can also facilitate getting information onto the Department website or social media.

Social media and website postings of wanted persons or subjects to be identified should be canceled as soon as practicable when the information is no longer being sought.

#### **316.4 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.

##### **316.4.1 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

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- (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.

#### **316.4.2 PROCEDURE**

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Neenah Police Department shall:

- (a) Immediately enter the child into the TIME/NCIC Missing Person database with the AMBER Alert flag.
- (b) Call the Wisconsin State Patrol's Traffic Management Center and provide contact information.
- (c) When contacted by a Division of Criminal Investigation (DCI) supervisor, review the facts of the case and the status of the investigation.
- (d) Once approved for an AMBER Alert, complete the online form and include relevant photographs.
- (e) Obtain, whenever possible, consent from the parents, parent, guardian, or other person having legal custody of the abducted child the child's name, photographs, descriptions, and other information necessary to support the AMBER Alert public broadcast and search.
- (f) Maintain frequent contact with the DCI supervisor as the investigation progresses.
- (g) Request additional resources and services from:
  - 1. The FBI
  - 2. The Wisconsin Clearinghouse for Missing and Exploited Children and Adults (WCMECA)
  - 3. The NCMEC
  - 4. A Child is Missing
- (h) Retain a copy of all AMBER Alert forms, faxes, teletypes, emails, and pertinent case information for review by the Wisconsin AMBER Alert Review Committee.

#### **316.5 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).

##### **316.5.1 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

#### 316.5.2 PROCEDURE

To request a Silver Alert, call the Wisconsin State Patrol Traffic Management Center at 1-844-977-4357. They will take your contact information and a DCI Representative will immediately call you back. The DCI Representative will provide you with your login information to access the Silver Alert online request form. DCI will handle the issuance of the Silver Alert.

**\*\*A sample of the information needed for the Silver Alert is available here [Silver Alert Working Draft.pdf](#) (May not be most recent copy, please check Wilenet) This is not the official submission form. Please follow the steps outlined above.**

#### 316.6 HIT-AND-RUN ALERTS (AKA YELLOW ALERTS)

Members investigating a hit-and-run should ensure an alert from the Wisconsin Crime Alert Network is initiated whenever the below criteria is met (Wis. Stat. § 346.67; Wis. Stat. § 346.70).

##### 316.6.1 CRITERIA

The following criteria apply (Wis. Stat. § 175.51):

- (a) A person has been killed due to the accident.
- (b) There is sufficient information available to help locate the suspect or vehicle.
- (c) An alert could help prevent further harm or aid in an arrest.

##### 316.6.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

To issue the alert via Wisconsin Crime Alert Network (WCAN), members will contact the ISU Supervisor and provide the ISU Supervisor with sufficient information to complete the alert in WCAN.

#### 316.7 GREEN ALERTS

Green Alerts are used to provide a statewide system for the rapid dissemination of information regarding at-risk missing veterans or active-duty members of the armed forces, the national guard, or the military reserve forces of the United States (Wis. Stat. § 175.51).

##### 316.7.1 CRITERIA

A Green Alert should be issued when:

- (a) A missing person is a veteran or an active-duty member of the armed forces, the national guard, or the military reserve forces of the United States.

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- (b) The missing person is known, based on the information provided by the reporting person, to have a physical or mental health condition that is related to the missing person's service.
- (c) The report is provided within 72 hours of the individual's disappearance.
- (d) There is reason to believe that the person at risk is missing due to a physical or mental health condition.
- (e) There is sufficient information available to disseminate that could assist in locating the missing veteran.

#### 316.7.2 PROCEDURE

Initiation of the alert is made through the Wisconsin Crime Alert Network (Wis. Stat. § 165.785).

## Victim and Witness Assistance

### 317.1 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.

### 317.2 POLICY

The Neenah Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Neenah 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.

### 317.3 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.

#### 317.3.1 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 Sexual Assault Investigations Policy.

Victims of sexual assault, human trafficking and child sexual abuse have the right to be accompanied by a victim advocate when being interviewed by an officer of the Neenah Police Department or other law enforcement agency. If the victim advocate obstructs or delays the interview, or fails to comply with the Child Abuse Policy and/or Sexual Assault Investigations Policy regarding the confidentiality of information relating to an investigation, he/she may be excluded from the interview and a different victim advocate may be permitted to accompany the victim at the victim's request (Wis. Stat. § 950.045(1)).

#### 317.3.2 TREATMENT OF VICTIMS

Members shall ensure that all victims of crime are treated with dignity, respect, courtesy, sensitivity, and fairness throughout the criminal and juvenile justice process, as mandated by Article I, section 9m of the Wisconsin Constitution.

Members shall provide victims with reasonable and timely information regarding the status of the investigation upon request.

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##### **317.4 VICTIM INFORMATION**

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

- (a) Shelters and other community resources for victims of domestic abuse.
  - 1. The information shall include the availability of shelters and services from lists provided by the Wisconsin Department of Children and Families and the Wisconsin Department of Justice (Wis. Stat. § 968.075).
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime (Wis. Admin. Code § JUS 11.11).
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number, and any applicable case or incident number.
- (k) The mandated notices contained in Wis. Stat. § 950.08(2g) for crime victims, which includes a list of victim's rights under Wis. Stat. § 950.04(1v) and Wis. Const. Article I, § 9m.
- (l) Notice of legal rights and remedies available to domestic abuse victims that includes the statement: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction" (Wis. Stat. § 968.075).
- (m) Information on the Wisconsin Department of Justice Address Confidentiality Program for victims of abuse (Wis. Stat. § 165.68).
- (n) Contact information for the inmate worker, corporation counsel, or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings and the opportunity to confer.

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- (o) Contact information for the custodial agency the victim may contact to obtain information concerning the arrest and/or custody, and release of a person in connection with the crime of which they are a victim.
- (p) Suggested procedures for the victim to follow if they are subject to threats or intimidation arising out of their cooperation with law enforcement and prosecution efforts relating to a crime of which they are a victim.
- (q) Contact information for which the victim may contact the Department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

#### **317.5 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that their identity will always remain confidential. Officers may make practical safety suggestions to witnesses expressing fear of future harm or retaliation.

Officers 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, to include:

- (a) Witness's right to not have their personal identifiers, including an electronic email address, used or disclosed for a purpose that is unrelated to the official responsibilities of the official, employee, or Department.
- (b) Expeditious return of a witness's property when no longer needed as evidence.
- (c) Speedy disposition of the case in which they are a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

#### **317.6 WITNESS INFORMATION**

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

#### **317.7 SAFE AT HOME PROGRAM**

1. Safe at Home is a statewide address confidentiality program that provides victims of actual or threatened domestic abuse, child abuse, sexual abuse, stalking, trafficking, and those who fear for their physical safety with a legal substitute address to be used for both public and private purposes and is governed by Wis. Stat. § 165.68 and administered by the Department of Justice Office of Crime Victim Services.
2. Applicants approved for the Safe at Home program are assigned an address that is a legal substitute for the participant's actual address, and the participant is assigned a program authorization card, which contains the participant's legal name, assigned address, DOJ seal, and an expiration date.



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3. Members coming in contact with a person who is enrolled in the Safe at Home program for any reason (e.g., victim, witness, suspect) shall use the person's Safe at Home program assigned address on any citations or reports.
  - (a) Members shall document in the citation or report narrative that the person's Safe at Home address was used in the report. The member should include only the assigned Safe at Home address.
  - (b) If the person does not have their Safe at Home program card at the time of the contact, the member may contact the Safe at Home program to confirm the person's participation at [safeathome@doj.state.wi.us](mailto:safeathome@doj.state.wi.us) or (608) 266-6613 (Monday – Friday 8:00am – 4:30pm).

**Note: Members shall not use the person's home address, work address, school address, or addresses of the person's spouse or children on any citations or reports under any circumstances. A person who intentionally releases a program participant's actual address information is guilty of a misdemeanor (Wis. Stat. 165.68(7))**

1. REQUESTS FOR PARTICIPANT'S HOME ADDRESS
  - (a) If members need to access a participant's actual home address in conjunction with a welfare check, child welfare investigation, or other investigation, the member General Order 2022-35 VICTIM / WITNESS RIGHTS AND ASSISTANCE Page 6 of 6 may contact the Safe at Home program during normal business hours at 608-266- 6613 or obtain a court order.
  - (b) Members will need to provide why the participant's home address is needed, who will have access to the participant's home address, and a how it will remain as confidential if released to the member.
  - (c) Members shall destroy any correspondence received from Safe at Home in accordance with SOP 680.10(E)(5) as it relates to data protection and security when the information is no longer needed or required. Members shall utilize the person's Safe at Home address in any corresponding reports.

## Bias-Motivated Crimes

### 318.1 PURPOSE AND SCOPE

The Neenah 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.

### 318.2 DEFINITIONS

Definitions related to this policy include:

**Bias-motivated crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

### 318.3 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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#### *Bias-Motivated Crimes*

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#### **318.4 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.
- (c) Educating community and civic groups about bias-motivated crime laws.

#### **318.5 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES**

Whenever any member of this department receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney.

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#### **318.6 INVESTIGATIVE SERVICES UNIT RESPONSIBILITIES**

If a case is assigned to the Investigative Services Unit, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

##### **318.6.1 STATE BIAS-MOTIVATED CRIME REPORTING**

This department shall submit bias-motivated crime information and offenses through Wisconsin's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Wisconsin Office of Justice Assistance (OJA). This department will only report a bias-motivated crime when an investigation reveals sufficient evidence that an offender's actions were motivated, in whole or in part, by his/her bias. This shall be conducted by Records.

##### **318.6.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING**

The Professional Staff Captain should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Section procedures and in compliance with (28 USC § 534(a)).

#### **318.7 TRAINING**

All officers of this department shall receive training on bias-motivated crime recognition and investigation and shall complete annual training which incorporates a bias-motivated crime training component.

## Standards of Conduct

### 319.1 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.

### 319.2 POLICY

The continued employment or appointment of every member of the Neenah 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.

### 319.3 DUTY TO OBEY LAWFUL ORDERS

Members are required to obey any lawful order of a superior, including any order relayed from a superior by a member of the same or lesser rank.

#### 319.3.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Failure to be accountable for 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 the member's 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.

#### 319.3.2 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

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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.

#### **319.4 GENERAL STANDARDS**

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

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

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

#### **319.5 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.

##### **319.5.1 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.

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##### 319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Neenah 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.

##### 319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

##### 319.5.4 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.

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##### 319.5.5 INTOXICANTS

- (a) Reporting for work or being at work with a measurable blood alcohol or illegal drug level 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.
- (d) Use of any medications or controlled substance that are prohibited by Wisconsin law, whether or not those medications or controlled substance are prohibited in other states, and whether or not the employee uses the medication or controlled substance while in the State of Wisconsin.
- (e) Employees are expected to use good decision making in the use of intoxicants as they are expected to set a good example for the community.

##### 319.5.6 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority, except as permitted under Wis. Stat. § 175.60(15m)(b).
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

##### 319.5.7 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.



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- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
  - 1. Members shall treat all people with dignity and respect. This includes citizens, fellow employees, and persons under arrest or detention.
  - 2. Members shall maintain a professional demeanor at all times. Members shall not commit any act which detracts from a professional image.
  - 3. Members shall be attentive and respectful during court proceedings. When presenting testimony, members shall speak clearly, calmly, and in a tone easily heard by the court and jury. Members shall testify with accuracy and confine testimony to the case. When cross-examined, members shall remain objective and respond with the same civility as when testifying on direct examination.
  - 4. Members shall treat superiors, subordinates, and associates with respect.
  - 5. Members shall be courteous in their relations with the public, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes, regardless of provocation.
- (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.
- (n) Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or

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morale, or tends to reflect unfavorably upon this department or its members. This included sharing naked or inappropriate social network posts, pictures, etc.

- (o) Failure to abide by the standards of ethical conduct for employees, including dishonesty or cheating in securing appointment or hire for themselves or someone else.
- (p) Employees are required to report to the Chief of Police the criminal arrest or criminal charges of their spouse or any other person living in their residence.

#### 319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 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

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expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 319.5.9 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 319.5.10 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 department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

#### 319.5.11 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.

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- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

## Media Relations

### 320.1 POLICY

It is the policy of the Neenah Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 320.2 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 320.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Commanders and designated Public Information Officers may prepare and release information to the media in a timely manner in accordance with this policy and applicable laws regarding confidentiality.

Designated department members shall provide factual and accurate information to the best of their ability to the media without jeopardizing the rights of crime victims or of persons accused of a crime and without compromising the security of any investigation or breaching any confidential relationship. If any department member is uncertain as to the application of these guidelines to a specific situation, the member shall refer the Division Commander, or Chief of Police.

### 320.4 MEDIA REQUESTS

Any media request for information or access to a law enforcement situation shall be referred to the Chief of Police, 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 member 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, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

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##### **320.5 ACCESS**

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative 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. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
- (c) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

Department members shall recognize that the media has duties to perform at the scenes of accidents, crimes, disturbances, and emergencies. Members shall not prevent media from performing those duties unless they are interfering with the performance of police, fire, or emergency personnel duties or are placing themselves, members of the public, or department members in jeopardy. The United States Supreme Court has stated that media have no constitutional right of access to the scenes of crime or disaster when the general public is excluded. This includes, but is not limited to, the area inside areas cordoned off by crime scene tape.

##### **320.5.1 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. 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 (Outagamie County Airport 920-739-5982).

##### **320.5.2 CRITICAL OPERATIONS**

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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##### **320.6 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

##### **320.7 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

###### **320.7.1 NEWS RELEASES AND NEWS CONFERENCES**

Official department news releases shall be prepared and disseminated by the Chief of Police or authorized representative.

###### **320.7.2 INFORMATION LOG**

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Shift Commander.

The daily information log will generally include the date, time, location, case number, and type of incident.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will generally be processed in accordance with the Records Release and Security Policy and provisions of the Wisconsin Public Records Laws (Wis. Stat. §§ 19.31-19.39). Questions concerning the mandates of the Wisconsin Public Records Laws should be resolved through legal counsel.

Standard practice for media inquiries is that they go to the Chief of Police, a Captain, a shift Supervisor, or Community Policing Coordinator for comments.

###### **320.7.3 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the Chief of Police, Division Commander, Shift Supervisor, or Designated Representative to ensure that confidential or restricted information is not

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inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

There are situations that require the non-disclosure of information. The public's right to know will be balanced against the department's need for confidentiality to protect the integrity of its investigations. The following shall not be released:

- (a) Unverified statements from witnesses and victims
- (b) The identity, address or personal information of any victim without their consent.
- (c) Any information received from other law enforcement agencies without their authorization to release the information.
- (d) The identity of fatally or critically injured persons before the next of kin has been notified.
- (e) The identity, testimony, or credibility of any prospective witness.
- (f) The identity or location of any victims of sex offenses.

The following information shall not be released if allowed by law without approval from the Chief of Police:

- (a) Criminal or driving records, if any, and the character, background, or reputation of the suspect.
- (b) The existence (or lack thereof) and types of evidence
- (c) The existence of any confession, admission of guilt, statement, or contents thereof, made by the suspect, or his/her failure/refusal to make a statement.
- (d) The results of any examinations or tests conducted or refusal by the suspect to submit to any examinations or tests
- (e) The mere existence of, or the identity, testimony, or credibility of, any witness.
- (f) Opinions about the guilt or innocence of the suspect, merits of the case, or quality of evidence.
- (g) Identity of victims or juveniles

#### 320.7.4 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media at the discretion of the Chief of Police. The following considerations (but not limited to) should be taken into account prior to release of officer's names:

- Prior notification to involved officers
- Likelihood of Criminal Charges
- Filing of a formal request
- Presence of protests or civil disobedience



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- Threats made against officers
- Impact on investigation

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the Chief of Police.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Shift Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Wisconsin Public Records Law).

## Department Technology Use

### 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

#### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Neenah Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 321.2 POLICY

It is the policy of the Neenah Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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The Department will not request or require, as a condition of employment, that employees disclose access information for their personal Internet accounts or otherwise grant access to, or allow observation of, those accounts unless specifically permitted to do so under federal or Wisconsin law (Wis. Stat. § 995.55).

#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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##### **321.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

##### **321.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

##### **321.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

##### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

#### **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.

## Subpoenas and Court Appearances

### 322.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Neenah Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

#### 322.1.1 DEFINITIONS

**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.

### 322.2 POLICY

Neenah Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

#### 322.2.1 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, the shift supervisor or the department records clerk assigned subpoenas shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department records clerk assigned subpoenas. The clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee should immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the records clerk assigned subpoenas as well as a copy to the individually named employee.

#### 322.2.2 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the records clerk assigned

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subpoenas or the Shift Supervisor of the expected absence. It shall then be the responsibility of the records clerk or the Shift Supervisor to notify the issuing authority of the employee's unavailability.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should inform the process server they have to serve directly to the named witness. If the named witness is not on-duty, the supervisor must notify the process server of the next available date the witness will be on-duty.

#### **322.2.3 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 records clerk assigned subpoenas 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.

#### **322.2.4 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).

#### **322.3 SUBPOENAS**

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

- (a) Personally serving a copy of the subpoena to the member.
- (b) Delivering a copy to the member's usual place of residency.
- (c) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this department as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06).

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##### **322.3.1 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

##### **322.3.2 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

##### **322.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

##### **322.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

##### **322.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed employee should review the incident as guided by the District Attorney's Office.

##### **322.5.2 COURTROOM ATTIRE**

Class B uniform can be worn for Municipal Court. Class C uniform and/or external vest carriers may only be worn if an Officer is assigned to patrol duty during the time of the municipal court proceeding.

Circuit Court Jury Trials will include long sleeve shirt and tie. Shoes must be clean and presentable.

Employees may wear business attire as well. 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.

##### **322.6 COURTHOUSE PROTOCOL**

When appearing in court, members shall be attentive and respectful during court proceedings. When presenting testimony, speak clearly, calmly, and in a tone easily heard by the court and jury. Members shall testify with accuracy and confine testimony to the case. When cross-examined, members shall remain objective and respond with the same civility as when testifying on direct examination.



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##### **322.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

##### **322.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

## Registered Offender Information

### 323.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Neenah Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

### 323.2 POLICY

It is the policy of the Neenah Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 323.3 REGISTRATION AND CONTACT

The Investigative Services Unit supervisor shall establish a process to reasonably accommodate obtaining a recent photograph and other information that may be required for registrants who are on supervision (Wis. Stat. § 301.45(2)(f)). The process should rebut any allegation on the part of the offender that the process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the face-to-face contact in order to best evaluate any threat the person may pose to the community. Employees assigned to meet with these offenders should receive appropriate training regarding the process.

### 323.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Services Unit supervisor will, at least annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence.
- (b) Review of information on the WisDOC Sex Offender Registration Program (SORP) informational database.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the WisDOC.

The Investigative Services Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Neenah Police Department personnel, including timely updates regarding new or relocated registrants.

### 323.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to a member of the command staff if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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Members of the public requesting information on registrants should be provided the Wisconsin Sex Offender Registry Web site or the Neenah Police Department's website.

The ISU Supervisor shall coordinate the release of local registered offender information to residents in accordance with Wis. Stat. § 301.46 and in compliance with a Wisconsin Public Records Law request.

#### 323.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

#### 323.5.2 DISCRETIONARY DISSEMINATION

Notifications that a sex offender is or will be residing, working, or attending school in Neenah Police Department jurisdiction, including a Special Bulletin Notification (SBN) from the WisDOC, should be forwarded to the Investigative Services Unit supervisor. The Investigative Services Unit supervisor should:

- (a) Review notifications and disseminate the information within the Department as appropriate.
- (b) Assign a representative of the Department to the regional Core Team to review and discuss SBNs and make recommendations regarding disseminating information about the offender.
- (c) Ensure SBNs are reviewed by a Core Team.
- (d) Remain familiar with current recommendations regarding community notification made by the WisDOC, including evaluation criteria and notice levels (Wisconsin Sex Offender Registration and Community Notification - Manual for Law Enforcement).
- (e) Seek advice from legal counsel as needed regarding procedures for community notifications and compliance with public records and open meetings laws.
- (f) Obtain prior approval from the Chief of Police or division commander prior to notification to the public in general and the plan for how that notification is to be accomplished (Wis. Stat. § 301.46).

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1. The overriding guiding principle in the development of any notification plan to the general public is that such a plan is not intended to subject the offender to additional punishment or harassment. Rather, these plans should seek to provide information to those individuals, agencies and/or organizations that need to know, in the interest of public protection, about the potential risk posed by this offender.

# Major Incident Notification

## 324.1 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.

## 324.2 POLICY

The Neenah 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.

## 324.3 MINIMUM CRITERIA FOR NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification below, the Chief of Police shall be notified along with the affected Division Commander.

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic crash with fatalities
- Officer-involved shooting, whether on- or off-duty
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Neenah official
- Arrest of department employee or prominent Neenah 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

## 324.4 SHIFT COMMANDER RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notification. The Shift 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.

### 324.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the ISU Supervisor shall be notified.

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##### 324.4.2 PUBLIC INFORMATION OFFICER

The Public Information Officer shall be called after members of staff have been notified if it appears the media may have a significant interest in the incident.

##### 324.4.3 INTERNAL NOTIFICATIONS

There are situations where all the staff of the police department are concerned or affected. In these situations, all members of the police department will be contacted as soon as practicable. Some of these events include:

- (a) Death of an employee, spouse or child.
- (b) Serious injury of an employee.
- (c) Officer involved shooting or similar significant event.

## Firearm Injury Reporting

### **325.1 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.

### **325.2 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 may 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.

### **325.3 HUNTING INJURIES**

If a firearm injury is determined to have been caused by an action connected with hunting, fishing or trapping, the Wisconsin Department of Natural Resources (DNR) requests notification on all such firearms related injuries.

The DNR completes the International Hunter Education Association's Annual Report of Hunting and Hunting Related Incidents for compiling nationwide hunting-related statistics and uses the information provided by local agencies for this purpose. The DNR also uses this information to determine whether to investigate or charge a violation of Wis. Stat. § 29.345, failure to report a firearm-related injury sustained in a hunting, fishing or trapping incident.

# Death Investigation

## 326.1 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.

## 326.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

### 326.2.1 CORONER REQUEST

The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to the following (Wis. Stat. § 979.01):

- (a) All deaths in which there are unexplained, unusual or suspicious circumstances
- (b) All homicides
- (c) All suicides
- (d) All deaths following an abortion
- (e) All deaths due to poisoning, whether homicidal, suicidal or accidental
- (f) All deaths following accidents, whether the injury is or is not the primary cause of death
- (g) When there was no physician, or accredited practitioner of a bona fide religious denomination relying upon prayer or spiritual means for healing in attendance within 30 days preceding death
- (h) When a physician refuses to sign a death certificate
- (i) When, after reasonable efforts, a physician cannot be located or contacted to sign the death certificate
- (j) Unidentifiable bodies

### 326.2.2 SEARCHING DEAD BODIES

The Coroner 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 Coroner, the investigating officer shall first obtain verbal consent from the Coroner when practicable.



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An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a record of anatomical gift or other information identifying the individual as a donor or as an individual who made a refusal (Wis. Stat. § 157.06(12)). If a donor document is located, the Coroner 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 Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 326.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the local Coroner may be requested to make the notification. The Coroner should be advised if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

#### 326.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the Death Investigation Packet.

#### 326.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances or the manner of death cannot be determined, the officer shall take steps to protect the scene. The Investigative Services Unit Lieutenant shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

# Identity Theft

## 327.1 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.

## 327.2 REPORTING

- (a) To maintain uniformity in reporting, officers shall initiate a report for victims residing within the jurisdiction of this department where 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, 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.
- (f) Officers are encouraged to issue identity theft packets to all victims.

## 327.3 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](http://www.privacy.wi.gov), or e-mail at [wisconsinprivacy@dacp.state.wi.us](mailto:wisconsinprivacy@dacp.state.wi.us).

## 327.4 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

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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>.

#### **327.5 POLICY**

It is the policy of the Neenah Police Department to effectively investigate cases of identity theft.

## Private Persons' Arrests

### 328.1 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.

### 328.2 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.

### 328.3 ARRESTS BY PRIVATE PERSONS

Wisconsin has no specific statute that provides authority of a private person's arrest. Instead, Wisconsin relies on common law which provides that 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)).

### 328.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no probable 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

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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.
  2. Absent probable 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 probable cause to believe that a private person's arrest is lawful, the officer may exercise the appropriate option based upon the charges:
1. Take the individual into physical custody for booking.
  2. Release the individual upon issuance of a misdemeanor and/or ordinance citation.
  3. Release the individual pending the filing of formal charges.

## Limited English Proficiency Services

### 329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 329.1.1 DEFINITIONS

**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 Neenah 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).

### 329.2 POLICY

It is the policy of the Neenah 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.

### 329.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (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.

#### **329.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Neenah 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.

#### **329.5 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 non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

#### **329.6 CONTACT AND REPORTING**

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.

#### **329.7 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or

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lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

#### **329.8 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.

#### **329.9 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.



# Communications with Persons with Disabilities

## 330.1 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.

### 330.1.1 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, translators, sign language interpreters and intermediary interpreters. Qualified sign language interpreters will be licensed as required (Wis. Stat. § 440.032).

## 330.2 POLICY

It is the policy of the Neenah 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.

## 330.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Neenah Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Support Services Supervisor. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **330.3 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 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.

#### **330.4 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.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Neenah 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.

#### **330.5 TYPES OF ASSISTANCE AVAILABLE**

Neenah Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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##### **330.6 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

##### **330.7 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).

##### **330.8 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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##### **330.9 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

##### **330.10 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

##### **330.11 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.

##### **330.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **330.12.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **330.13 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **330.14 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.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **330.15 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. 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.

#### **330.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **330.16 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Professional Standards Lieutenant will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Professional Standards Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Professional Standards Lieutenant shall maintain records of all training provided, and will retain a copy in each members training file in accordance with established records retention schedules.



## Auxiliary Personnel

### 331.1 PURPOSE AND SCOPE

Neenah Police Department auxiliary positions were established to supplement and assist sworn police officers in their duties, increase the level of service provided by the department, and increase the safety and security of citizens in the community. These personnel may be assigned to provide support services to law enforcement functions not requiring sworn officer status.

#### 331.1.1 DEFINITIONS

**Auxiliary Personnel** - Non-sworn personnel, uniformed or non-uniformed, who support the operational policing mission of the organization, and may include, but not be limited to, Community Service Aides, Parking Enforcement Officers, and Crossing Guards.

### 331.2 SCOPE OF AUTHORITY

Auxiliary Personnel are granted delegated authority, within the scope of law and/or ordinance, to carry out the functions of their designated assignment. Auxiliary personnel do not possess sworn status and, therefore, do not have the authority of a sworn officer.

### 331.3 UNIFORMS

Uniform requirements are as follows:

- (a) Auxiliary personnel shall conform to all uniform regulation and appearance standards set forth by their supervisor
- (b) Uniforms, if worn, shall clearly distinguish auxiliary personnel from sworn officers.
- (c) No part of the uniform shall be worn/utilized other than during or while en route to/from a department authorized function.
- (d) The misuse or misrepresentation or other misconduct involving uniforms may result in discipline or discharge.

### 331.4 COMMUNITY SERVICE AIDES

Community Service Aide program was established to supplement and assist regular sworn police officers in their duties. This program provides trained individuals who can augment regular staffing levels for a variety of instances where the presence of a sworn officer is not required.

It is also intended to provide an opportunity for men and women, who are interested in law enforcement or who have not yet been able to complete their education, to be exposed to certain aspects of police work. This experience will be useful for those people to make decisions regarding future careers as police officers and give this department the opportunity to identify possible candidates for future police employment.

A Community Service Aide is a member of the Operations Command and is a non-sworn part-time position responsible for performing limited law enforcement functions for the Police Department. Community Service Aides are supervised by a Sergeant in charge of the program.

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##### 331.4.1 TRAINING

Community Service Aides will go through a and job specific field training program, conducted by senior Community Service Aides and sworn officers, under the supervision of the Sergeant in charge of the program.

##### 331.4.2 DUTIES & RESPONSIBILITIES

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- (a) Assist in traffic and crowd control at accidents and/or fire scenes, parades, and special events.
- (b) Assist stalled vehicles and stranded motorists, and perform traffic control functions.
- (c) Engage in animal control activities, including trapping animals, transporting strays, investigating bites or attacks, checking animal welfare, responding to barking dog complaints, and monitoring quarantines.
- (d) Issue warning notices and summonses for animal and ordinance violations.
- (e) Issue parking citations and investigate abandoned auto complaints.
- (f) Fill in for Crossing Guards.
- (g) Conduct station tours.
- (h) Deliver paperwork for City Hall and Police Department.
- (i) Process lost and found property as reported.
- (j) Provide fingerprinting and breath-testing services at the police department for non-custodial subjects.
- (k) Engage in public relations activities at planned events.
- (l) Perform routine errands and assist in special projects.
- (m) Patrol City parks for ordinance violations and safety concerns.
- (n) Perform vacant home checks.
- (o) Provide fingerprinting services at the station.
- (p) Conduct funeral escorts.
- (q) Take pictures of violations, issue warning notices and citations for ordinance violations.
- (r) Complete necessary reports and investigations on enforcement action taken, including follow-ups.
- (s) Answer code compliance questions at the front counter and in the field.
- (t) Other duties as assigned

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### **331.5 SCHOOL CROSSING GUARDS**

School Crossing Guards are non-sworn civilian, seasonal position of the Neenah Police Department. Crossing Guards are a very visible component of the police department, with a high degree of trust.

A School Crossing Guard is a member of Professional Staff Command, under the supervision of the Community Policing Coordinator. Locations of school crossing guards will be determined jointly by the Neenah Traffic Engineer, the Neenah School District and the Police Department. The Community Policing Coordinator will inventory and issue uniforms and equipment, and will maintain the work schedule as promulgated by the school district.

The primary responsibility of the School Crossing Guard is to ensure the safety of school children crossing streets and intersections as they proceed to and from school. The Crossing Guard must report to his/her assigned post at a predetermined time before the morning and afternoon school sessions begin and remain on duty until the respective sessions end. The School Crossing Guard will only be paid for sessions worked.

#### **331.5.1 TRAINING**

School Crossing Guards shall be trained by the Community Policing Coordinator or designee in relation to their authorized and assigned duties.

#### **331.5.2 DUTIES & RESPONSIBILITIES**

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- (a) Supervise children crossing streets and intersections at their assigned posts, seeing that the children remain on the sidewalk until it is safe to cross.
- (b) Safely enter the middle of the street or intersection, signaling by handheld stop sign and hand signal for vehicular traffic to stop, allowing the children to cross safely. The Crossing Guard will then return to their post and allow traffic to flow normally.
- (c) Report observed violations of law to their supervisor and may subsequently be required to testify in a court of law as to their observations.
- (d) Assist children as appropriate, while maintaining control of the assigned intersection.
- (e) Maintain counts of the number of students crossing each day.
- (f) Perform other duties as assigned.

### **331.6 LIABILITY AND INDEMNIFICATION**

Civilian staff and auxiliary personnel affiliated with the department and acting in a non-sworn capacity are indemnified when acting under the authority of the department and in accordance with department policy and procedure.

### **331.7 PERFORMANCE EVALUATIONS**

Community Service Aides and Crossing Guards shall be evaluated on an annual basis.

- CSA's will be evaluated on an annual basis established on or around their start date.

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- Crossing Guards will be evaluated at the end of the school year.

Performance evaluations will be based on the style and format as outlined in the 'Evaluation for Employees' section, however the evaluation criteria can be modified as is reasonable for the duty position.

## Service Animals

### 332.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Neenah 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.

### 332.2 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).

#### 332.2.1 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).

#### 332.2.2 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

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **332.3 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 Neenah Police Department affords to all members of the public (Wis. Stat. § 106.52(3)(am)).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. A barking dog alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability (Wis. Stat. § 106.52(3)(am)(3)).

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Wisconsin Department of Workforce Development's Equal Rights Division.

# Volunteers

## 333.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and non-sworn personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 333.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Neenah Police Department volunteer include:

- (a) At least 18 years of age.
- (b) A valid driver's license if the position requires vehicle operation.
- (c) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (d) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.
- (e) No conviction of a misdemeanor crime within the past 10 years, excluding petty traffic offenses.
- (f) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (g) Physical requirements reasonably appropriate to the assignment.
- (h) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

## 333.2 VOLUNTEER MANAGEMENT

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##### 333.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions
- (b) Maintaining records for each volunteer
- (c) Tracking and evaluating the contribution of volunteers
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers
- (e) Maintaining a record of volunteer schedules and work hours
- (f) Completion and dissemination as appropriate of all necessary paperwork and information
- (g) Planning periodic recognition events
- (h) Administering discipline when warranted
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

##### 333.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

##### 333.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check; fingerprints shall be obtained from all applicants and processed through the Wisconsin Department of Justice (WisDOJ).



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- (b) Employment
- (c) References
- (d) Credit check

A truth verification exam may be required of each applicant depending on the type of assignment.

#### 333.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

#### 333.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer
- (b) Department policies
- (c) Training specific to the procedure manual for the volunteer position
- (d) Discrimination and harassment training
- (e) CPR/first-aid/AED
- (f) Citizens Emergency Response Training (CERT)
- (g) Search and rescue techniques
- (h) Scenario-based searching methods
- (i) Evidence recognition and preservation
- (j) Basic traffic direction and control

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- (k) Roadway incursion safety
- (l) Self-defense techniques
- (m) Vehicle operations, including specialized vehicles
- (n) Horsemanship
- (o) Issuance of citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

#### 333.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

#### 333.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty, except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions, provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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### **333.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### **333.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### **333.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **333.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

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- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate department vehicles for enforcement patrol operations or under emergency conditions (lights and siren).

#### **333.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **333.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **333.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

#### **333.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

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##### **333.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL**

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

##### **333.9 LIABILITY COVERAGE FOR VOLUNTEER/UNPAID MEMBERS**

Liability protection and indemnification may be available, pursuant to City policy, for all trained and active members serving in a volunteer capacity and acting within the scope of their authority. This includes, but is not limited to:

- Chaplains
- Volunteers

## Off-Duty Law Enforcement Actions

### 334.1 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 Neenah Police Department with respect to taking law enforcement action while off-duty (Wis. Stat. § 175.40(6m)(a)(3)).

### 334.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged and an officer's authority is limited by the State of Wisconsin. Officers, unless responding to an emergency situation that poses a significant threat to life or bodily harm pursuant to Wis. Stat. § 175.40 (6m)(a)1, shall not attempt to initiate enforcement action when witnessing non-violent crimes or property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency (Wis. Stat. § 175.40(6m)).

Nothing in this policy 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.

#### 334.2.1 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 is responding to an emergency that poses a significant threat to life or of bodily harm.
- (b) The officer is taking action that would be authorized by the policies of the Neenah Police Department.

### 334.3 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, or other force options.
- (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.

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- (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.

#### **334.3.1 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 Neenah Police Department officer until acknowledged. Official identification should also be displayed.

#### **334.3.2 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.

#### **334.3.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **334.3.4 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.

#### **334.4 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the applicable local law enforcement agency as soon as reasonably practicable. Additionally, the employee shall contact the Shift Commander, who shall determine whether to send a supervisor to the scene and whether a report should be completed by the employee (Wis. Stat. § 175.40(6m)(a)(3)(c)).

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate (Wis. Stat. § 175.40(6m)(a)(3)(b)).

## Department Use of Social Media

### 335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 335.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 335.2 POLICY

The Neenah Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 335.3 AUTHORIZED USERS

Only members authorized by the Chief of Police may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 335.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:



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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **335.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **335.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Neenah Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **335.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public. However, the public is able to post comments on certain networking platforms, such as Facebook, and the Neenah Police Department encourages this dialogue. The Neenah Police Department respects the personal opinions of every citizen and will not censor or suppress free

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speech. Department social media sites are considered to be a designated public forum. As such, the only restrictions imposed on Department sites will be based on content, not viewpoint.

The Neenah Police Department will not authorize content that is abusive, discriminatory, profane, inflammatory, sexually explicit, obscene, defamatory, and other similar comments.

#### **335.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **335.7 RETENTION OF RECORDS**

The Professional Staff Captain should work with the Custodian of Records and Information Services to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **335.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

## Rescue/Utility Knife

### **336.1 PURPOSE AND SCOPE**

The police rescue/utility knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations. Its use as a defensive or offensive weapon is authorized only in exigent circumstances when the justification for deadly force has been met. Under such circumstances it shall be deemed a use of deadly force as governed by the Use of Force (#300) policy.

### **336.2 SPECIFICATIONS**

Only knives that have been approved by the Professional Standards Lieutenant or Training Committee Member, may be used by officers in their law enforcement capacities.

Officers shall not carry a knife in any manner other than clipped in a pocket or waistband, inside the pants or vest, in a department approved sheath unless otherwise authorized by the Professional Standards Lieutenant or Training Committee Member.

### **336.3 SAFE HANDLING AND MAINTENANCE**

Officers shall handle the police utility knife in an appropriate and safe manner so as to ensure the safety of themselves, their fellow officers, and the general public.

Officers shall be responsible for maintenance, safe storage and use of his or her utility knife.

# EMERGENCY OPERATIONS PLAN

## 337.1 PURPOSE AND SCOPE

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

In addition, the Department has prepared plans for possible events which may require a law enforcement lead response, which may or may not necessitate a full EOP activation. This policy serves as the directory for a variety of emergency situations.

Support to law enforcement is provided by the Wisconsin Emergency Police Services (EPS) Program as well as the Wisconsin Emergency Management with the goal of reducing the impact of major incidents.

## 337.2 TRAINING

On an annual basis, the Professional Standards Lieutenant will ensure training is conducted on the various aspects covered in the Emergency Operations Plan. The training may consist of, but not limited to, briefing training, range training, tabletop exercises, and/or actual exercises.

The Chief of Police, the Assistant Chief, and other members of the Command staff shall maintain the appropriate NIMS certifications to organize, plan, and coordinate the activities of the agency during an incident.

The Emergency Management Director (N/M Fire Chief) is responsible for creating the City's Emergency Operations Plan. The EOP identifies areas of responsibility for the Department during an incident. The Chief of Police and Assistant Chief are responsible for the planning needed, through policies and procedures, for members to execute the tasks identified in the EOP.

## 337.3 RECALL OF PERSONNEL

In the event of a critical incident or when the EOP has been activated, employees of the City of Neenah Police Department may be required to report for duty. Members may also be subject to recall during other extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

## 337.4 CITY-WIDE EMERGENCY OPERATIONS PLAN

### 337.4.1 ACTIVATING THE CITY EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated on the order of the Neenah/Menasha Fire Chief, or designee, as prescribed by local ordinance.

Upon activation of the plan, the Chief of Police, or the authorized designee, will report to the Emergency Operations Center.

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##### **337.4.2 LOCATION OF THE PLAN**

The Emergency Operations Plan is available on the F: drive on the City network. It is also available on the desktop of the Shift Commander computers in both the office and squad. The Assistant Chief should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

##### **337.5 CIVIL DISTURBANCES**

A civil disturbance is an unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property, or other unlawful acts. Department policy on First Amendment Assemblies shall be referred to for the operational plan for these types of incidents. (See policy #423.)

##### **337.6 MASS ARRESTS**

In the event of a critical incident that requires mass arrests, the department will utilize the Incident Command System and establish a command post. The command post should be established in an area that is sufficiently far enough from any disturbance to allow for the safety of command post personnel. The incident commander will be responsible for providing security at the scene of the mass arrest and ensuring that EMS or first responders are available to evacuate persons with injuries or requiring medical treatment. Mutual aid with neighboring jurisdictions will be utilized to allow for adequate support. Department policy on First Amendment Assemblies (policy #423) shall be referred to for the operational plan for these types of incidents.

In order for this process to be managed efficiently, safely, and legally, the Incident Commander should ensure:

- (a) An arrest team or teams are designated to process all prisoners and arrange for transportation.
- (b) An adequate number of vehicles are made available to transport prisoners to the jail.
- (c) An adequate secure area is designated for holding prisoners after initial booking and while awaiting transportation.
- (d) All arrested individuals are searched, photographed, and properly identified prior to transportation to jail.
- (e) All injured prisoners are provided medical attention as soon as possible. In no case should a prisoner be transported to jail without receiving medical attention for injuries.
- (f) All arrested juveniles are handled in accordance with Department juvenile policies.
- (g) All evidentiary items and weapons taken from arrestees shall be processed in accordance with Department policy.

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##### **337.7 BOMB THREATS**

Bomb threats shall be handled in accordance with Department policy and procedures on Response to Bomb Calls and Threats, any applicable Standard Operating Guidelines (SOGs), and any other applicable policies.

##### **337.8 HOSTAGE AND BARRICADED SUBJECT INCIDENTS**

Hostage and Barricaded Subject incidents shall be handled in accordance with Department policy and procedures relevant to the SWAT Team, SOGs, and any other applicable policies.

##### **337.9 ACTS OF TERRORISM**

An act of terrorism can take many different forms. Officers will respond to an act of terrorism as they would for any other emergency listed in this directive.

In addition, notification should be made to the FBI Milwaukee Joint Terrorism Task Force at (414)276-4684.

##### **337.10 UNUSUAL INCIDENTS/NATURAL DISASTERS**

The initial response to an unusual incident or natural disaster will include actions which need to be taken by the first responding officers and supervisors. Those responsibilities include:

- (a) Patrol Officers:
  - 1. Observe and evaluate the nature and scope of the disaster
  - 2. Provide an appraisal of the disaster to the Communications Center and the on-duty supervisor
  - 3. Evaluate and begin to establish appropriate control measures for the incident
- (b) Shift Supervisor:
  - 1. Assume command of the incident and establish ICS
  - 2. Request mutual aid
  - 3. Establish an inner perimeter to control and contain the incident
    - (a) Perimeter control shall be maintained and a situation map should be developed detailing key locations of all involved personnel.
    - (b) Bystanders and non-involved groups shall be directed to leave the immediate area.
    - (c) Only authorized emergency personnel/vehicles shall be permitted to enter.
    - (d) Establish an outer perimeter for crowd control, and to control movement of resources to and from the scene. The outer perimeter should:
      - 1. Encircle the inner perimeter at a safe distance
      - 2. Provide for rerouting traffic and emergency access routes
      - 3. Provide space for staging area, triage center, media briefing center, etc.

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- (e) Establish a command post and safe entry route.
- (f) Establish a staging area for the management of responding resources. The supervisor should ensure that at least one officer is assigned to the staging area to document resources available.
- (g) Notify command staff

##### 337.10.1 MILITARY SUPPORT

Military support may be requested from the Office of the Governor, through the Winnebago County Emergency Management Office, for the following reasons:

- (a) Supplement local law enforcement resources for traffic control, evacuation, and stabilization
- (b) Provide emergency communication
- (c) Provide special equipment
- (d) Provide additional security

##### 337.10.2 POST INITIAL RESPONSE

After the initial response, the Incident Commander will need to ensure access to and from the area is maintained. The Incident Commander should ensure traffic control and transportation of items in and out of the impacted area can be maintained. Consideration should be given to:

- (a) Traffic Control: Traffic should be rerouted to bypass the emergency area. Only persons with a vital interest should be permitted access. The media should be notified to warn traffic to stay away from the area.
- (b) Transportation: The scale and type of the emergency may necessitate movement of persons in varying numbers. Should a significant number need to be moved, local bus services should be contacted and their services requested.

##### 337.10.3 INCIDENT DE-ESCALATION

The duration of an emergency will determine the length of any restrictions on traffic movement within the disaster area. Once the immediate emergency has been handled, limited access to an affected area may be necessary. The media may assist by making announcements of changing conditions or for special requests. Entry into the involved area will depend on conditions as viewed by the Incident Commander. When the incident has been de-escalated, the Incident Commander will make efforts to relieve support personnel of their duties. In addition, scheduling should be arranged in a manner that would assist in returning to normal operations.

# Report Preparation

## 339.1 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.

### 339.1.1 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. Employees will also review the dictation for accuracy and content before turning the report in for supervisor approval. 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.

### 339.1.2 DEFINITIONS

**P1 RMS** - Premier One Records Management System; the records management system utilized by NPD and all other agencies in Winnebago County.

**Short Form** - Reporting call information in the CAD log as the primary means of reporting.

## 339.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

### 339.2.1 CRIMINAL ACTIVITY REPORTING

When a member 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 member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests



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- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy
  - 2. Domestic Abuse Policy
  - 3. Child Abuse Policy
  - 4. Adult Abuse Policy
  - 5. Bias-Motivated Crimes Policy
  - 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report
- (f) Situations involving a suspected prescription drug law violation, opioid-related drug overdose, narcotic-related death or controlled substance prescription theft (Wis. Stat. § 961.37).

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., for example, a dispatch log).

#### 339.2.2 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

A Short Form CAD report should be used any time a dispatched call does not meet the level of requiring an Incident Report. Examples of calls that can be documented with a Short Form include:

- Assists

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- Unfounded incidents
- Unable to locate incidents
- When reporting person is not known and no other information requires an Incident Report
- Hazards
- Civil Issues

#### 339.2.3 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

#### 339.2.4 INJURY OR DAMAGE BY CITY 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.

#### 339.2.5 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.

#### 339.2.6 SPECIAL FIELD REPORT FORMS

NPD has a variety of specialized field report forms/worksheets/packets designed to assist in investigations and ensure all appropriate information is documented, including (but not limited to)

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- Animal Bite/Scratch
- Child Abuse
- Death Scene
- Domestic Abuse
- Accidents
- Heroin Overdose
- Identity Theft
- Juvenile Runaway
- Missing Person
- Prescription Drug Report

#### **339.2.7 CALL TYPES AND SELF-INITIATING REPORTING**

Employees shall document in the department's computer aided dispatch system, whether in response to a request from a citizen or resulting from self-initiated actions, all calls that include:

- (a) Citizen reports of crimes.
- (b) Criminal and non-criminal cases initiated by law enforcement employees.
- (c) Situations involving arrests, citations, or summonses.
- (d) Citizen reports of incidents other than crimes.
- (e) Any time an officer is dispatched or assigned.

#### **339.3 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.

#### **339.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction beyond spelling and grammar is necessary, the reviewing supervisor shall inform the employee the reasons for rejection. The original report and the correction form 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.

#### **339.5 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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#### **339.6 FORMAT AND REQUIRED INFORMATION**

Reports will utilize the unique report number assigned in the CAD system for reporting purposes.

- This report number is documented as YY-##### (ex. 17-001234), indicating the Year of the report, followed by the sequential incident number.
- Incidents requiring separate reports will require generation of a new incident in order to receive a separate incident number.

Reports by NPD members will follow the format provided by NPD Records division for P1 RMS.

#### **339.7 REPORT WORKFLOW**

The following is the general workflow process for reporting at NPD.

- (a) Long form reports and case report are typed by an Officer in P1 RMS
  - (a) The report and case report are submitted
  - (b) Any supplementary documents are submitted with the cover sheet or in appropriate online folders.
- (b) The report is reviewed by a supervisor in a timely manner
  - (a) Any deficiencies are flagged for the reporting officer to correct
  - (b) The report is forwarded appropriately depending on the status of the report; this could be both to records as follow up officer.
    - (a) To Records if complete
    - (b) To the primary assigned officer for follow up
    - (c) To the reporting officer if any corrections are needed
- (c) The report is reviewed by Records Staff and processed.

## School Resource Officers

### 340.1 PURPOSE AND SCOPE

This policy describes the Neenah Police Department School Resource Officer (SRO) program.

### 340.2 POLICY

The Neenah Police Department is committed to enhancing the safety of students and faculty on campuses located in the department's jurisdiction by forming partnerships with school administrators, faculty members and students.

### 340.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police should appoint SRO(s) to serve in public elementary and secondary schools upon a formal agreement or memorandum of understanding (MOU) with local school districts or charter schools. The agreement should cover paid services, where applicable. The agreement should also include the SRO's duties and responsibilities as outlined below.

The goals and objectives of the SRO program include but are not limited to:

- (a) Assisting with the development and implementation of a school safety plan.
- (b) Protecting the school against external threats to the safety of the students, preventing unauthorized access to school property, and securing the school against a natural disaster or other violence.
- (c) Creating respect for law and order in the public school system and minimizing criminal activity.
- (d) Identifying students at risk of becoming involved in the criminal justice system and guiding them toward more positive and socially acceptable ways to behave.
- (e) Reducing criminal activity on or near a school campus.
- (f) Enhancing communication and understanding between students, their families, district staff, and the Department.
- (g) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings.
- (h)

### 340.4 SCHOOL RESOURCE OFFICER DUTIES

The Chief of Police or the authorized designee should appoint members as SROs whose duties and responsibilities include:

- (a) Responding to calls and the preliminary investigation of criminal offenses that occur on student-occupied property while the SRO is on-duty or during school hours.
- (b) Conducting follow-up investigations of offenses that occur on student-occupied property during school hours.
- (c) Assisting the Investigative Services Command with follow-up investigations that originate on student-occupied property or involve a student.

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- (d) Providing education regarding law enforcement functions for students, faculty, and administrators as requested and when available.
- (e) Assisting faculty and administrators in establishing policies that contribute to the safety of school staff and students.
- (f) Participating in student conferences, as requested and appropriate.
- (g) Providing youth gang task force intelligence as appropriate.
- (h) Assisting the school safety specialist with the development and implementation of a school safety plan that will address security and protection.
- (i) Participating in the development of programs designed to identify, assess, and provide assistance to troubled youth.

#### **340.4.1 CHAIN OF COMMAND**

Officers should follow their assigned department chain of command during investigations of criminal activity. Assigned activities that are not criminal in nature may be overseen or directed by the school principal or the authorized designee or as otherwise provided in the agreement for services.

#### **340.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS**

Members appointed as SROs should be selected using criteria that includes but is not limited to:

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) School Administrators
  - (c) Assistant Chief
  - (d) Captain
  - (e) ISU Lieutenant
  - (f) ISU Sergeant
  - (g) Human Resource Representative

The selection should not be based solely on seniority. The performance of SROs should be reviewed annually by the school district superintendent or the authorized designee and the Chief of Police or the authorized designee.

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##### **340.6 TRAINING**

Before assignment as an SRO, officers should complete required initial and ongoing SRO training through the National Association of School Resource Officers or another approved school resource officer training program.

## **Chapter 4 - Patrol Operations**



## Bias-Based Policing

### 400.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Neenah Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 400.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This also includes color, ancestry, political affiliation, marital status, or other identifiable characteristics.

### 400.2 POLICY

The Neenah Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 400.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 400.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 400.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, Citizen Contact (TraCS), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **400.4.2 PREVENTING PERCEPTIONS OF BIASED POLICING**

In an effort to prevent inappropriate perceptions of biased based law enforcement, each officer should do the following with conducting pedestrian and vehicle stops:

Introduce him/herself to the person (providing name and agency affiliation) and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for his or her license and registration.

Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the purpose of reasonable delays.

Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.

Provide his/her name and badge number when requested, in writing or on a business card.

Apologize and/or explain if the officer determines that the reasonable suspicion was unfounded (i.e. after an investigatory stop).

#### **400.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations 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.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - (a) Supervisors should document these periodic reviews.
  - (b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Per the Internal Affairs Policy 1006, supervisors shall initiate investigations of any actual or alleged violations of this policy.

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- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **400.6 TRAINING**

Training on racial or biased-based profiling and review of this policy should be conducted as directed by the Professional Staff Captain.

## Briefing

### **401.1 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.

### **401.2 PREPARATION OF MATERIALS**

The supervisor conducting briefing, is responsible for collection and preparation of the materials necessary for a constructive briefing. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

# Crime and Disaster Scene Integrity

## 402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 402.2 POLICY

It is the policy of the Neenah Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 402.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responding officer should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Identify hazards or dangerous conditions to responding personnel.
- (f) Secure the inner and outer perimeter if needed.
- (g) Protect items of apparent evidentiary value.
- (h) Identify potential witnesses.
- (i) Start a chronological log noting critical times and personnel allowed access.
- (j) Prevent unauthorized access of personnel, the media or the public.

### 402.2.2 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).

## 402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

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##### **402.4 FIRST RESPONDER CONSIDERATIONS**

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

##### **402.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

###### **402.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

##### **402.6 CRIME OR DISASTER SCENE CLEANUP**

Crime scene cleanup on public property will be requested through the fire department. Private property owners should be advised to contact their insurance carrier or the state's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene cleanup (Wis. Stat. § 949.06(1)(f)).

Cleanup of human health hazards at methamphetamine labs will be requested through the local health department and the Wisconsin Department of Justice (WisDOJ) Division of Criminal Investigation (DCI) should be notified. The Wisconsin Department of Natural Resources (WisDNR)

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should be notified to assess environmental impacts from outdoor chemical spills or improper waste disposal (Wis. Stat. § 254.59; Wis. Stat. § 292.11).

#### **402.7 INVESTIGATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES**

The Investigative Services Division Commander is responsible for:

- (a) Ensuring reasonable access to qualified personnel, equipment, and supplies for processing crime or disaster scenes, including serious traffic crashes.
  - 1. Access should be available on a 24-hour basis.
- (b) Establishing procedures for collecting, processing, and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video recording, and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting, and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation, and submission of biological and other evidence for DNA testing and evaluation.

#### **402.8 TRAINING**

The Professional Standards Lieutenant should ensure that members who are responsible for the collection and preservation of DNA evidence receive appropriate training.

## SWAT Team

### 403.1 PURPOSE AND SCOPE

The SWAT Team (SWAT) 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.

#### 403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 403.1.2 SWAT TEAM DEFINED

**SWAT 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.

### 403.2 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 403.2.1 OPERATIONAL PROCEDURES

SWAT operational procedures are developed and shared with team members. They outline tactical and officer safety issues which are kept confidential and are not included within this policy.



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##### **403.3 TRAINING NEEDS ASSESSMENT**

The SWAT Team Leadership and commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

###### **403.3.1 INITIAL TRAINING**

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent and the approval of the SWAT Commander.

- (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.

###### **403.3.2 SUPERVISION AND MANAGEMENT TRAINING**

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

###### **403.3.3 SWAT ON-GOING TRAINING**

Training shall be coordinated by the SWAT Leadership. The SWAT 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) Each SWAT member shall perform a physical fitness test annually. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) SWAT team member shall demonstrate proficiency in the use of weapons and equipment utilized by SWAT. Failure to demonstrate proficiency will require the officer

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to seek remedial training from the Professional Standards Lieutenant when approved by the SWAT commander. Team members who fail to demonstrate proficiency will not be used in SWAT operations until qualified. Failure to meet proficiency standards over a period of time and after remedial training may result in dismissal from the team .

#### 403.3.4 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

#### 403.3.5 SCENARIO-BASED TRAINING

SWAT 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.

#### 403.3.6 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the SWAT Team Leader. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

### 403.4 MANAGEMENT/SUPERVISION OF SWAT TEAM

The commander of the SWAT shall be selected by the Chief of Police with input from staff.

#### 403.4.1 TEAM SUPERVISORS

The CNT and each SWAT team will be supervised by a team leader who has been appointed by the SWAT commander.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by the staff and the SWAT commander.

The following represent supervisor responsibilities for the SWAT Team:

- (a) The SWAT Team leader's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT commander.
- (b) The CNT leader's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT commander

### 403.5 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.

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##### 403.5.1 SELECTION OF PERSONNEL

Interested department personnel, who are off probation or have a year or more of prior law enforcement experience, shall submit a request to the SWAT Commander. Interested personnel shall be evaluated and selected 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

##### 403.5.2 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.

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.

#### **403.6 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

##### 403.6.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation or have a year or more of prior law enforcement experience, shall submit a request to their appropriate Division Commander, a copy of which will be forwarded to the SWAT commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT commander. The testing process will consist of an oral board, physical agility and stress test and a SWAT basic handgun and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SWAT commander. Applicants will be evaluated by certain criteria, which include:
  - 1. Recognized competence and ability as evidenced by performance

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2. Demonstrated good judgment and an understanding of the critical role of a SWAT 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) Physical agility and stress: The physical agility and stress test is designed to determine the physical and mental capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT commander and leadership. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: A minimum qualifying score must be attained to qualify.
- (d) 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.

#### 403.6.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT commander. The performance and efficiency level, as established by the team leader, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

#### 403.7 OPERATIONAL GUIDELINES FOR SWAT TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the SWAT 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 SWAT commander.

##### 403.7.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the SWAT Team should respond. Upon final determination by the Shift Commander, the SWAT commander will be notified.

##### 403.7.2 APPROPRIATE SITUATIONS FOR USE OF A SWAT TEAM

Examples of incidents that may result in the activation of the SWAT Team include:

- (a) Barricaded suspects who refuse an order to surrender
- (b) Incidents where hostages have been taken
- (c) Arrests of persons reasonably believed to be dangerous
- (d) Any situation in which SWAT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

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##### 403.7.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be in accordance with any mutual aid agreement and approved by the Shift Supervisor. Deployment of the Neenah Police Department SWAT Team in response to requests by other agencies must be authorized by a Division Commander.

##### 403.7.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT 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 SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.
- (b) Members of the Neenah Police Department SWAT team shall operate under the policies, procedures and command of the Neenah Police Department when working in a multi-agency situation.

##### 403.7.5 MOBILIZATION OF SWAT TEAM

The on-scene supervisor shall make a request to the Shift Supervisor for the SWAT Team to respond. The Shift Supervisor shall then notify the SWAT commander. If unavailable, a team leader shall be notified. A current mobilization list shall be maintained in the Shift Supervisor's office by the SWAT commander. The Shift Supervisor will then notify the Operations Commander as soon as practicable.

The Shift Supervisor should brief the SWAT commander with the following information if available:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The Shift supervisor will begin the team activation process.

##### 403.7.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.

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- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SWAT commander on the situation.
- (g) Plan for and stage anticipated resources.

#### 403.7.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team, the Incident Commander shall brief the SWAT commander and team leaders. Upon review, it will be the SWAT commander's decision whether to deploy the SWAT Team.

## Ride-Along

### **404.1 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.

#### **404.1.1 ELIGIBILITY**

The Neenah Police Department ride-along program is offered to anyone who meets the following qualifications. Reasonable efforts should be made to accommodate interested persons. Applicants must pass a screening background and may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age
- Prior criminal history - Record of arrest or other negative police contact
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor or officer

#### **404.1.2 AVAILABILITY**

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 3:00 a.m. Exceptions to this schedule may be made as approved by the Division Commander or Shift Supervisor.

### **404.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Professional Standards Lieutenant. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must also sign the ride-along form.

The Professional Standards Lieutenant will schedule a date, based on availability and staffing. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

A Shift Supervisor may approve a ride along when circumstances prohibit approval by the Professional Standards Lieutenant.

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##### **404.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every twelve months. An exception would apply to the following: qualified volunteers, chaplains, and police applicants with approval of the ISU Lieutenant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

##### **404.2.2 SUITABLE ATTIRE**

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans, as well as anything deemed inappropriate and/or unsafe are not permitted. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

##### **404.2.3 POLICE OFFICER RIDE-ALONGS**

Off-duty employees of this department or any other law enforcement agency may be permitted to ride-along with on-duty officers with the approval of the Professional Standards Lieutenant, or a Shift Supervisor, if the PSL is not available. 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 police officer or participate in any law enforcement activity except as emergency circumstances may require.

##### **404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check will include a check of in-house records as well as a CCAP check. Other checks may be conducted as necessary to determine the suitability of a ride along.

##### **404.2.5 FIREARMS**

Ride-along participants may not carry firearms unless they are legally authorized to do so and the Shift Commander has permitted such carry.

#### **404.3 OFFICER'S RESPONSIBILITIES**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Supervisor.



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The Professional Standards Lieutenant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Professional Standards Lieutenant with any comments that may be offered by the officer.

#### **404.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

# Hazardous Material Response

## 405.1 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.

### 405.1.1 HAZARDOUS MATERIAL DEFINED

**Hazardous substance** - Any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which 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 includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, or explosives (Wis. Stat. § 299.01(6)).

## 405.2 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 an exposure 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) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (d) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (e) 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.

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2. Driver's statements or shipping documents from the person transporting the material.
  3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (f) 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.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Work closely with the fire department or regional HAZMAT team to determine the area designated for evacuation and assist in conducting the evacuation when it can be done safely. Evacuations should be considered voluntary unless circumstances rise to a level requiring mandatory evacuation as determined by the Command Post or Emergency Operations Center.
- (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.

#### **405.3 REPORTING EXPOSURE**

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 by completing an injury report, and when appropriate, an incident report.

##### **405.3.1 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.

Safety items not maintained by the Department will be obtained through the appropriate fire department.

## Response to Bomb Calls

### **406.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Neenah Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### **406.2 POLICY**

It is the policy of the Neenah Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### **406.3 RECEIPT OF BOMB THREAT**

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised and informed of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### **406.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

#### **406.4.1 NEENAH POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Neenah Police Department facility, the Shift Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### **406.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Neenah Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

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##### **406.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

##### **406.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Neenah, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **406.5.1 ASSISTANCE**

The Shift Commander should be notified when police assistance is requested. The Shift Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **406.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Commander including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **406.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **406.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### **406.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Wisconsin Emergency Management (WEM) for regional and/or county Hazardous Material Response Teams

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- Other government agencies, as appropriate

#### 406.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 406.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

#### **406.8 MUTUAL AID**

[Outagamie and Brown County are a mutual Bomb Squad Team. The Neenah Police Department has a signed MOU with this bomb squad.](#)

##### General Protocol

- [Call Brown County Dispatch \(920\) 448-4200. Ask for a bomb technician reference to the suspicious device](#)
- [If it is deemed to be a minor call, the closest bomb technician may respond from either Brown or Outagamie County.](#)
- [If it is deemed to be a major call, the Bomb Squad will respond with their equipment from Brown County](#)
- [A TTY will be requested for an official request](#)



## Emergency Detentions

### 407.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention, protective custody, or emergency protective placement (Wis. Stat. § 51.15, Wis. Stat. § 51.45, and Wis. Stat. § 55.135).

### 407.2 POLICY

It is the policy of the Neenah Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

### 407.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats (Wis. Stat. § 51.15). The person shall be transported to an approved detention facility.

A person who appears to be incapacitated by alcohol shall be taken into protective custody by a law enforcement officer and brought to a public treatment facility for emergency treatment (Wis. Stat. § 51.45).

If, from personal observation of, or a reliable report made by a person who identifies himself or herself to, a sheriff, police officer, fire fighter, guardian, if any, or authorized representative of a county department or an agency with which it contracts under s. 55.02 (2), it appears probable that an individual is so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious physical harm to himself or herself or others as a result of developmental disability, degenerative brain disorder, serious and persistent mental illness, or other like incapacities if not immediately placed, the individual who personally made the observation or to whom the report is made may take into custody and transport the individual to an appropriate medical or protective placement facility (Wis. Stat. § 56.135).

#### 407.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for emergency detention, and no dangerous overt action has taken place, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and advise the staff of the voluntary situation.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

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##### **407.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Contacting Winnebago County Crisis Intervention (920-233-7707) at the scene to determine if there are other options to emergency placement.
- (b) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (c) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

##### **407.5 TRANSPORTATION**

When transporting any individual for an emergency detention, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy, unless there is a valid reason to deviate from policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, requires the presence of an officer during the transport, the officer should advise dispatch that they will be traveling with the medical transport and coordinate with other officers/shift supervisor for any additional requirements as needed.

##### **407.6 TRANSFER TO APPROPRIATE FACILITY**

Winnebago County Crisis Intervention should be contacted at (920) 233-7707 for approval on the detention and to make arrangements for placement.

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer should provide the staff member with the written Statement of Emergency Detention by Law Enforcement Officer form and remain present to provide clarification of the grounds for detention, security and assistance to facility staff as necessary.

##### **407.7 DOCUMENTATION**

For emergency detentions, the officer shall complete a Statement of Emergency Detention by Law Enforcement Officer, provide a copy to the facility staff member assigned to that patient and retain 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.

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For incapacitation holds, the officer shall complete the Protective Custody Report and provide a copy to the emergency room staff. The original shall be included with the case report.

For emergency protective placements, the Statement of Emergency Protective Placement form should be completed and included with the case report.

#### **407.7.1 PROBABLE CAUSE STATEMENT**

The Statement of Emergency Detention by Law Enforcement Officer shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

#### **407.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who qualifies for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Facilitate the emergency detention process at the appropriate facility.
- (c) Fill out a Law Enforcement Notification form to direct the emergency detention facility to contact the Neenah Police Department upon completion of the detention.
- (d) Facilitate the individual's transfer to jail.
- (e) Complete two reports indicating the circumstances of the criminal matter in one and the emergency detention information in the other.

#### **407.9 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 seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling officer should further advise the person to contact the property custodian for the return of any firearm or other weapon that has been taken into custody.

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##### **407.10 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)).

## Citation Releases

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Neenah 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.

#### 408.1.1 DEFINITIONS

Definitions related to this policy include:

**Misdemeanor citation** - A directive, issued by an officer, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

**Municipal citation or summons** - A directive, issued by a member of this department, that requires a person to appear in municipal court for violation of a municipal ordinance in accordance to Wis. Stat. § 800.02.

### 408.2 POLICY

The Neenah Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

### 408.3 RELEASE

A suspected offender may be released on issuance of a citation for a misdemeanor (Wis. Stat. § 968.085(2); Wis. Stat. § 66.0113).

#### 408.3.1 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and photographs of a suspected offender issued a citation should be obtained for the following offenses before release (Wis. Stat. § 165.84(1)):

- (a) A misdemeanor, or an offense which would be a misdemeanor if committed by an adult or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substances analogs under Chapter 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks (Wis. Stat. § 165.83(2)(a)2).
- (b) An offense charged or alleged as disorderly conduct but which relates to one or more acts listed in Wis. Stat. § 165.83(2)(a)2; (Wis. Stat. § 165.83(2)(a)3).

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##### **408.3.2 STATUTORY REQUIREMENTS**

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)).

##### **408.4 JUVENILE CITATIONS**

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigative Services Unit, if necessary, for further investigation and diversion or prosecution.

Upon issuing a misdemeanor or municipal citation to a juvenile, this department shall notify the juvenile's parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

##### **408.5 PROHIBITIONS**

The release of a suspected offender on a citation is not permitted for violation of protective orders involving or harassment (Wis. Stat. § 813.125(6)).

See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

##### **408.6 CONSIDERATIONS**

In determining whether to cite and release a person when discretion is permitted, officers should consider (Wis. Stat. § 968.085(2)):

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) The person is willing to sign the citation.
- (h) The person appears to represent a danger of harm to him/herself, another person or property.
- (i) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the department's policies.

# Foreign Diplomatic and Consular Representatives

## 409.1 PURPOSE AND SCOPE

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](http://www.travel.state.gov/consularnotification).

### 409.1.1 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.

## 409.2 POLICY

The Neenah Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

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##### **409.3 CLAIMS OF IMMUNITY**

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

##### **409.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members



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2. Diplomatic agents and recognized family members
  3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  2. Support staff of missions to international organizations
  3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  4. Honorary consular officers

#### **409.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

##### **409.5.1 TRAFFIC OFFENSES**

An officer who issues a citation to the operator of a motor vehicle who displays a driver license issued by DOS, or otherwise claims immunities or privileges, for violation of any state traffic law or any local traffic law shall (Wis. Stat. § 345.11(7)(b)):

- (a) As soon as practicable, contact the DOS Diplomatic Security Command Center's diplomatic motor vehicle office to verify the operator's status and immunity, if any.
- (b) Within 10 days after the citation is issued, forward a copy of the traffic citation, at no charge, to the DOS Diplomatic Security Command Center's diplomatic motor vehicle office.

##### **409.5.2 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).

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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:

1. 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)

3. Office of  
Foreign  
Missions

Chicago, IL

(312) 353-5762

(0800-1645 CST)

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2. Department  
of State

Diplomatic  
Security  
Service  
Command  
Center

Washington  
D.C.

(202) 647-7277

(202) 647-1512

(Available 24  
hours)

(202) 647-0122  
FAX

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 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

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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.

#### **409.6 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 Patrol Supervisor shall forward a copy of the crash report to DOS (Wis. Stat. § 346.70(4)(i)(2)).

##### **409.6.1 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.

##### **409.6.2 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 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.

#### **409.7 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official act Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Rapid Response and Deployment

## 410.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

## 410.2 POLICY

The Neenah Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

## 410.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of great bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action, officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded or trapped suspect with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

#### **410.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **410.5 PLANNING**

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### **410.6 TRAINING**

The Professional Standards Lieutenant should include rapid response to critical incidents in the annual training plan. This training should address:



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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
- (f) Training can include tabletop or actual exercises and can include multi-agency training efforts.

# Immigration Violations

## **411.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Neenah Police Department relating to immigration and interacting with federal immigration officials.

## **411.2 POLICY**

It is the policy of the Neenah Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## **411.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Wisconsin constitutions.

## **411.4 DETENTIONS**

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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##### **411.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

##### **411.5 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

## Patrol Rifles

### 412.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Neenah Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

### 412.2 PATROL RIFLE AND SHOTGUN

#### 412.2.1 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 Professional Standards Lieutenant.

**Shotgun** - 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 rifle. No personally owned shotguns may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the department Professional Standards Lieutenant.

### 412.3 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 rifles issued by the Department are AR-15 platform rifles .

### 412.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the patrol officers, who shall inspect and service each patrol rifle on a monthly 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 and turned over to the Professional Standards Lieutenant.
- (e) Each patrol rifle, either department owned or personally owned approved for patrol use, shall be subject to inspection by any supervisor or the Professional Standards Lieutenant at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Assistant Chief of Police in consultation with a department armorer.

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##### **412.5 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 score with an approved patrol rifle instructor. Officers shall thereafter be required to successfully complete department mandated firearms proficiency qualification conducted by a department-approved patrol rifle instructor.

##### **412.6 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.
- (g) When needed to euthanize an animal.

##### **412.7 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.

##### **412.8 PATROL RIFLE READINESS**

###### **412.8.1 SQUAD READY**

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a squad ready condition until deployed. A rifle is considered in a squad ready condition when it has:

- (a) Been inspected by the assigned;
- (b) The fire selector switch is in the safe position;
- (c) The chamber is empty and;
- (d) A fully loaded magazine is inserted into the magazine well
- (e) Rifle stored in squad car mount, gun case in trunk, etc

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##### **412.8.2 CALL READY**

Any qualified officer removing a patrol rifle from the squad for a call should maintain the weapon in a call ready condition. A rifle is considered in a call ready condition when it has:

- (a) Selector on safe
- (b) Chamber loaded
- (c) Magazine loaded and inserted in magazine well
- (d) Any battery-powered optics are turned on
- (e) Rifle may be slung, in your hands, or shouldered

##### **412.9 RIFLE STORAGE**

- (a) When not in use, patrol rifles will be stored in the department armory in rifle racks.
- (b) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

# Aircraft Accidents

## 413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

### 413.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 413.2 POLICY

It is the policy of the Neenah Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 413.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

## 413.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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##### **413.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

##### **413.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

##### **413.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.



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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **413.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Neenah shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of NPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **413.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **413.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **413.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Field Training Officers

### 414.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Neenah Police Department.

### 414.2 POLICY

It is the policy of this department to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

### 414.3 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### 414.3.1 SELECTION PROCESS

FTOs will be selected based on certain requirements, which include:

- (a) Desire to be an FTO.
- (b) Non probationary status.
- (c) Three years law enforcement experience is preferable.
- (d) Demonstrated ability as a positive role model.
- (e) Participate and pass a selection process.
- (f) Evaluation by supervisors and current FTOs.
- (g) Possess a Wisconsin Law Enforcement Standards Board (LESB) basic certificate.

#### 414.3.2 TRAINING

An officer selected as an FTO should, when practicle, successfully complete an FTO course approved by the Department prior to being assigned as an FTO.

### 414.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR AND FIELD TRAINING COORDINATOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander or the authorized designee and should possess, or have completed supervisory and/or leadership training approved by the Wisconsin Department of Justice (WisDOJ) Training Standards Board Career Development Program. The Field Training Coordinator will be the Professional Standards Lieutenant.

The responsibilities of the FTO Program supervisor include:

- (a)
- (b) Conduct FTO meetings.

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- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d)
- (e) Monitor individual FTO performance.
- (f)
- (g)
- (h)
- (i) Develop ongoing training for FTOs.

The responsibilities of the Field Training Coordinator include:

- (a) Assign trainees to FTOs.
- (b) Maintain, update and issue the Field Training Manual to each trainee.
- (c) Monitor the overall FTO Program.
- (d) Maintain liaison with academy staff on recruit performance during the academy.
- (e) Maintain liaison with FTO coordinators of other agencies.

#### **414.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but should consist of a minimum of 10 weeks.

Entry level and lateral officers should be assigned to a variety of FTOs, shifts, and geographical areas during their Field Training.

##### **414.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her orientation. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Neenah Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Neenah Police Department.

#### **414.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **414.6.1 FIELD TRAINING OFFICER**

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO Supervisor on a daily basis.

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- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

#### **414.6.2 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

#### **414.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training

# Contacts and Temporary Detentions

## 415.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 415.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions (Wis. Stat. § 968.24).

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - This is a limited type of search, often referred to as a "frisk", used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the an officer, the detainee, or others (Wis. Stat. § 968.25).

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity (Wis. Stat. § 968.24).

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is being required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement (Wis. Stat. § 968.24).

## 415.2 POLICY

The Neenah Police Department respects the rights of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall

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be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

#### **415.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contacts with consenting individuals is encouraged by the Neenah Police Department to strengthen community involvement, community awareness, and problem identification.

##### **415.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **415.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.

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- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **415.5 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.

##### **415.5.1 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Shift Commander with either an associated FI card or other documentation 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 Shift Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy
- (b) Photographs that do not qualify for retention in the criminal intelligence system or temporary information file 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.

##### **415.5.2 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.

#### **415.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:



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- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to the witness's departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

# Field Audio Video Recordings

## 416.1 PURPOSE AND SCOPE

The Neenah Police Department provides Mobile Audio Video (MAV) recording systems and body worn camera (BWC) systems to provide records of events that assist officers in the performance of their duties, secure evidence, and enhance courtroom testimony. This policy provides guidance on the use of these systems.

### 416.1.1 DEFINITIONS

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

**Body Worn Camera (BWC)** - A recording instrument worn on the uniform/body for the gathering of video and audio information.

## 416.2 POLICY

It is the policy of the Neenah Police Department to use field audio and video technology during official police operations to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently. While this is primarily directed towards patrol operations, investigative operations and other assignments may benefit from the use of this technology.

## 416.3 INVESTIGATIVE SERVICES UNIT

Due to the varied nature of the Investigative Services Unit, this policy cannot cover every possible exception and situation to conduct video recordings. Various roles (e.g. SRO and Undercover investigations) create a dynamic where actively recording every situation would not be possible or prudent. Discretion is to be used by ISU personnel on when to record, when to cease recording and when and how to document their recordings. When in doubt, ISU personnel will seek direction from an ISU supervisor.

## 416.4 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. Only Neenah Police Department recording equipment should be used.

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Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC/MAV recordings without prior written authorization and approval of the chief or his/her designee. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

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

#### **MAV Systems**

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, badge number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall make note of the problem on a vehicle service sheet and take the vehicle out of service unless another patrol vehicle with a functioning recording system is not available for use.

At the conclusion of a recording, officers should make sure the recording is bookmarked appropriately with identifying information included. Recordings will upload to the department's server automatically.

#### **BWC Systems**

Each officer assigned a BWC should test the system's operation in accordance with manufacturer specifications and department operating procedures and training. If the BWC device is not in good working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. The officer shall turn in the malfunctioning unit to the BWC program coordinating supervisor as soon as reasonably practicable. The BWC program coordinating supervisor will then inspect the unit and send it in for repair/replacement.

System documentation is accomplished by officers entering the complaint number in the ID section and the subject's name (person they were speaking with) in the Title section. If no name is obtained, a description of the contact shall go in this field. Officers will also select the correct category the video will be saved under for retention purposes. This process can be done from a phone, iPod or from Evidence.com.

Officers will upload the recordings at the end of each shift, or as soon as practicable. Officers will store the BWC in the assigned docking station at the end of their shift. Members assigned take-home vehicles may take the BWC home for charging as they could become involved in enforcement activities on their way home or on their way in to work. This does not relieve the member of the requirement to upload recordings at the end of their shift.

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Officers whose primary function is not patrol or investigations are not required to wear a BWC. Investigators assigned to Lake Winnebago Area Metropolitan Enforcement Group are also not required to wear BWC.

#### **416.5 ACTIVATION**

The MAV systems are designed to turn on whenever the unit's emergency lights are activated or whenever the officer chooses to manually begin recording. The systems remain activated until they are turned off manually.

BWC systems should activate with activation of patrol squad emergency lighting or may be activated manually. BWC are turned off manually by the officer for each use.

##### **416.5.1 REQUIRED ACTIVATION OF THE MAV AND BWC**

This policy is not intended to describe every possible situation that should be recorded. As a general rule, officers should activate the BWC/MAV to record all contacts with citizens in the performance of official duties. Additionally, an officer should activate a recording system any time the officer believes it would be helpful 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 still be valuable evidence. Officers should consider using the cameras to capture audio information in those cases.

As a general rule, officers should activate their camera PRIOR to arriving on scene.

MAV and BWC systems should be used during official police operations in the following types of contact:

- Interviews with complainants, witnesses, and suspects in criminal cases
- Traffic contacts (with both MAV and BWC)
- Pedestrian contacts
- Contacts with subjects who are complaining about officer behavior or department response
- When counting or inventorying money or other valuables
- When collecting contraband
- Dispatching animals

##### **416.5.2 CESSATION OF RECORDING**

Once activated, the recording systems should remain on until the incident has concluded. If an officer fails to activate the BWC/MAV, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in the police report, or if no police report is generated, in a memo to their supervisor.

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##### **416.5.3 WHEN ACTIVATION IS NOT REQUIRED**

Activation of recording is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, when actively on patrol or when speaking with members of the public while not on a call for service.

##### **416.5.4 WHEN ACTIVATION IS PROHIBITED**

- In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless during a dynamic and active incident where the need to record outweighs the expectation of privacy.

- For personal use

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.

##### **416.5.5 SUPERVISOR RESPONSIBILITIES**

On reasonable intervals, supervisors should validate that:

- (a) Officers are utilizing the recording systems appropriately
- (b) The operation of recording systems by new employees is assessed and reviewed until the supervisor determines the employee knows how to utilize the recording systems.

##### **416.6 REVIEW OF MAV AND BWC 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.

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 ISU Staff or forensic media investigator. 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 recording 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

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- (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 Command staff to determine if the training value outweighs the officer's objection

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

#### **416.7 DOCUMENTING BWC/MAV USE**

If any incident is recorded, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation in the agency space indicating that the incident was recorded. Existence of any BWC recording should be noted in any related incident report.

#### **416.8 RECORDING MEDIA STORAGE AND INTEGRITY**

All recording media that is not retained as evidence will be retained for a minimum of 120 days and disposed of in compliance with the established records retention schedule.

##### **416.8.1 MAV RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a recording is likely to contain evidence relevant to a criminal offense, a citation, a potential claim against the officer or against the Neenah Police Department should bookmark the recording appropriately to ensure relevant recordings are preserved. Body camera recordings should be downloaded into the appropriate folder in the Imports folder on the evidence drive as appropriate. (X drive).

#### **416.9 TRAINING**

All members who have BWC systems issued to them and who use vehicles equipped with MAV systems will be instructed in the use of the recording equipment and related policy.

#### **416.10 PROHIBITIONS**

Personnel shall not:

- (a) Destroy, alter or tamper with audio/or video.
- (b) Tamper with the MAV or BWC systems, files, or other related equipment.
- (c) Operators will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media captured from the MAV or BWC.

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- (d) Intentionally record undercover officers, confidential informants, or other sources of confidential information.
- (e) Intentionally record personal activity not related to official duties or use a BWC in places where a reasonable expectation of privacy exists, such as, locker rooms, dressing rooms and restrooms. Unless the MAV or BWC are being used for the purposes of a criminal investigation.
- (f) Intentionally record any person in contradiction with or in violation of Wisconsin wiretapping laws, as outlined in W.S.S. 885.365. In addition to subjecting yourself to criminal prosecution, violating the Wisconsin wiretapping law can expose you to a civil lawsuit for damages by an injured party.
- (g) Intentionally record conversations of fellow employees without their knowledge during non-enforcement related activities.
- (h) Use a body camera not assigned to them without supervisor permission. The authorizing supervisor will reassign any recordings to the correct officer.
- (i) Share passwords and/or usernames to Evidence.com. It is the responsibility of all authorized personnel to keep their passwords and usernames confidential.
- (j) Post MAV or BWC footage to any social media without the prior written approval from the Chief of Police, or designee.

#### **416.11 CITIZEN CONTACTS & PRIVACY CONCERNS**

While the general rule is to record all contacts, there are times when the use of a BWC/MAV is not prudent or is too intrusive. The following types of contacts provide guidance for those situations.

- (a) If a citizen contact is made with a victim, complainant, or witness in a place where the citizen has a reasonable expectation of privacy (such as in their home), the officer should activate the video and audio function and notify the citizen that the contact is being recorded. If the citizen requests the contact NOT be recorded, officers should consider whether it would be appropriate under the circumstances to end the contact, or to continue the contact without recording. This section does not apply to suspect or arrest contacts.
- (b) Officers should be sensitive to privacy concerns in cases of nudity, in situations involving abuse, and in sexual assault investigations. Officers should use their discretion on when to record in these circumstances.
- (c) Officers should use careful discretion in cases in which a person may be unwilling or reluctant to share information about a crime if they are being recorded. Consideration should be given to whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.

#### **416.12 BWC/MAV FILE RETENTION AND DELETION**

BWC's are uploaded to a third party website, Evidence.com, owned and maintained by Axon. Retention and deletion parameters for files uploaded to this digital platform are set by the NPD Evidence.com administrator and should be in accordance with NPD retention policies.

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Refer to the Records Maintenance and Release policy regarding retention schedules and/or procedures regarding BWC/MAV file retention and deletion for files saved on Department run servers and on the Evidence.com platform.

#### 416.12.1 EXCEPTIONS TO RETENTION REQUIREMENTS FOR BODY-WORN CAMERAS

Exceptions to the 120-day retention period for body-worn cameras are as follows (Wis. Stat. § 165.87):

- (a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
  - 1. Death or actual or alleged physical injury to any person in the recording
  - 2. An encounter resulting in custodial arrest
  - 3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
  - 4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal
- (b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
- (c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.



# Mobile Data Computer Use

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

## 417.2 POLICY

Neenah Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 417.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 417.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 417.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **417.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### **417.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

##### **417.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

#### **417.6 EQUIPMENT CONSIDERATIONS**

##### **417.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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##### 417.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## Portable Audio/Video Recorders

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held, or integrated into portable equipment (Wis. Stat. § 165.87).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Neenah Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

### 418.2 POLICY

The Neenah Police Department may provide members with access to portable recorders, either audio, 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.

### 418.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 418.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, NPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### **418.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

##### **418.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

##### **418.5.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits

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the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

#### **418.5.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **418.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **418.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

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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.

#### **418.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Wis. Stat. § 165.87(3)).

#### **418.9 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days (Wis. Stat. § 165.87).

##### **418.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

##### **418.9.2 EXCEPTIONS TO RETENTION REQUIREMENTS FOR BODY-WORN CAMERAS**

Exceptions to the 120-day retention period for body-worn cameras are as follows (Wis. Stat. § 165.87):

- (a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
  - 1. Death or actual or alleged physical injury to any person in the recording

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2. An encounter resulting in custodial arrest
  3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
  4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal
- (b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
- (c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.



## Foot Pursuits

### 419.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 419.2 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.

### 419.3 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) 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.

#### **419.4 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

## Automated License Plate Readers (ALPR)

### 420.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Neenah Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 420.2 ADMINISTRATION OF ALPR DATA

Flock Safety is responsible for all installation and maintenance of their fixed ALPR equipment, as well as ALPR data retention. Access to the Flock Safety ALPR system shall be administered by the Chief of Police or designee. Particular roles shall be established by the Chief of Police or designee based on assignment and rank. All installation and maintenance of mobile ALPR systems and its access, shall be managed by the Professional Staff Captain. The Professional Staff Captain will assign personnel under his/her command to administer the day-to-day operation of the mobile ALPR equipment. Because Flock Safety is part of a nationwide network, the Chief of Police may grant other law enforcement agencies access to the Neenah ALPR data. Data from the mobile ALPR system shall be maintained at a City of Neenah server.

### 420.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR read to the plate on the vehicle and the response through the Transaction Information for the Management of Enforcement (TIME) system or National Law Enforcement Telecommunications System (NLETS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access TIME or NLETS data unless otherwise authorized to do so.

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- (g) The ALPR equipment and software shall be operational during the officer's shift.
- (h) Equipment or software issues shall, as soon as practical, be reported.
- (i) If an Electronic Citation (ELCI, NTC or Warning) is issued as a result of an ALPR notification, the officer must select "ALPR Utilized" in the Tags section of the citation.

#### **420.4 ALPR DATA COLLECTION AND RETENTION**

All data and images gathered by an ALPR are for the official use of the Neenah Police Department and because such data may contain confidential TIME information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Professional Staff Captain is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All mobile ALPR data downloaded to the server should be stored for 120 days and all fixed (Flock System) data will be retained for 30 days in accordance with their data retention policy. If it is reasonable to believe that the data will become evidence in a criminal or civil action or is subject to a lawful action to produce records the applicable data should be downloaded from the server onto portable media and booked into evidence or imported into Evidence.com.

Photos located through a Flock search and used in a case, shall be added to evidence.com. Any notification from a Flock Hot List alert that leads to an arrest shall be copied and also uploaded to Evidence.com.

#### **420.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Neenah Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Open Records Clerk and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action. Under all circumstances, the person searching for information through the Flock Safety camera system shall include a reason for the search under the "Search Reason" block. There should be a corresponding case or call for service number associated with each search. Blanket searches absent a bona fide reason, are strictly prohibited. The only exception is for training and or demonstration purposes, in which case "Training" or "Demonstration" shall be used in the search reason block.

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- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) All ALPR system audits should be conducted on a regular basis.
- (f) All ALPR Hot List requests shall be properly filled out and approved by the shift supervisor before being entered on the Hot List.
- (g) ALPR Hot List Requests will only be entered by a supervisor and will be logged for tracking purposes.

# Homeless Persons

## 421.1 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.

### 421.1.1 POLICY

It is the policy of the Neenah Police Department to provide law enforcement services to all persons, including the homeless, while protecting rights, dignity and private property. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 421.2 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.

### 421.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

## 421.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting

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and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

#### **421.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

## Public Recording of Law Enforcement Activity

### 422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 422.2 POLICY

The Neenah Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 422.3 RECORDING OF LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 422.4 OFFICERS RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an



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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **422.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **422.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# First Amendment Assemblies

## 423.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 423.2 POLICY

The Neenah Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 423.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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##### **423.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

##### **423.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

##### **423.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **423.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 423.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) Liaison with demonstration leaders and external agencies
- (h) Liaison with City government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event

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- (t) Parameters for the use of body-worn cameras and other portable recording devices

#### **423.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **423.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **423.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Electronic Control Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage. Any use of electronic control devices must conform to the Electronic Control Device Policy.

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **423.8 ARRESTS**

The Neenah Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see Citation Releases Policy).

#### **423.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **423.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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##### **423.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

##### **423.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

##### **423.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.



## Civil Disputes

### 424.1 PURPOSE AND SCOPE

This policy provides members of the Neenah Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Wisconsin law.

### 424.2 POLICY

The Neenah Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 424.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

### 424.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **424.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **424.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **424.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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##### 424.6.1 CRIMINAL TRESPASS TO DWELLINGS

When an officer has probable cause to believe that the person has committed criminal trespass in a dwelling in violation of Wis. Stat. § 943.14 the officer should arrest and remove the violator (Wis. Stat. § 175.403). Considerations for determining whether probable cause exists include:

- (a) An identified owner or other person responsible for the dwelling identifies the person as a violator.
- (b) An identified owner or other person responsible for the dwelling has supplied the department with an affidavit or other documents identifying those persons permitted to be on the property and restricting access to others.
- (c) The person produces reasonable documentation (e.g., rental receipts, service, utility bills, postal or shipping deliveries) that identifies the person is lawfully in the dwelling.
- (d) A person familiar with the area or property is able to identify those with a history of access to the dwelling.
- (e) Statements made or observations that corroborate whether the person created or provoked a breach of the peace (e.g. a fear of bodily harm was created or the peace and sanctity of the home was otherwise disturbed or disrupted).

# Medical Aid and Response

## 427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

## 427.2 POLICY

It is the policy of the Neenah Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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##### **427.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

##### **427.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

##### **427.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

##### **427.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **427.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

##### **427.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Stationary AED's maintained within the facility should be regularly checked by the Professional Standards Lieutenant or designee to ensure they are properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Professional Standards Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

##### **427.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

##### **427.8.3 AED TRAINING AND MAINTENANCE**

The Professional Standards Lieutenant should ensure appropriate training is provided to members authorized to use an AED (Wis. Stat. § 256.15(8)).

The Professional Standards Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

#### **427.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

A member may administer opioid overdose medication in accordance with protocol specified by the physician or ambulance service provider who prescribed the overdose medication for use by the member as long as the member has the knowledge and training necessary to safely administer the opioid overdose medication (Wis. Stat. § 256.40).

##### **427.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Professional Standards Lieutenant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

##### **427.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

##### **427.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Professional Standards Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication.

[See attachment: Naloxone MOU GCA City of Neenah.pdf](#)

#### **427.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

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If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **427.11 FIRST AID TRAINING**

Subject to available resources, the Professional Standards Lieutenant should ensure officers receive periodic first aid training appropriate for their position.



# Bicycle Patrol

## 428.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide guidance on the use, utility, and deployment of police bicycles and the general management of police bicycle operations.

Bicycle patrol officers, also referred to as police cyclists, are an important component of this department's strategy for accomplishing its enforcement objectives due to their mobility and stealth, as well as their ability to facilitate a variety of law enforcement and crime prevention operations.

## 428.2 PROCEDURES

### A. Authorization, Conditions, and Limitations for Use.

1. Police bicycles are intended for and their use is authorized to conduct the following primary deployment functions:
  - (a) Police cyclists may be dispatched to or may initiate response to all calls for service in which their response time is comparable to or better than that of a motorized patrol vehicle, unless otherwise indicated by this policy.
  - (b) Police cyclists, deployed without access to a police squad, should not normally be dispatched or initiate response to incidents in which their reduced emergency equipment capabilities (e.g., emergency warning devices) may present service problems or dangers. Response to such situations may be permitted where exigent circumstances exist and motorized units are not readily available, or as back up where patrol vehicles are already on scene. These include but are not limited to
    1. traffic accidents in which a vehicle is not moveable;
    2. high-risk felony motor vehicle stops; and
    3. situations in which the lack of cover typically afforded by a motor vehicle would be dangerous.
  - (c) Police cyclists may be used for targeted patrol operations based on specific crimes, geographic areas, or crime targets.
  - (d) Police cyclists may be given preference where appropriate in response to the following:
    1. Off-road emergencies, to include search and rescue, enforcement, and preventive patrol as required on trails designated for nature walks; mountain bike use; horses; and/or walking, hiking, and biking.
    2. Medical emergencies, if police cyclists are properly equipped and trained, and if their proximity and/or response time to the incident may be advantageous.
    3. Incidents in which the location or the volume of vehicle and/or pedestrian traffic may inhibit the response of police motor vehicles.

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4. Special events, such as parades, festivals, fairs, runs/races, sports, and other indoor and outdoor events.
  5. Demonstrations, events that attract protestors, and other crowd situations.
  6. Disaster situations in which movement by conventional motorized emergency response vehicles is limited or impossible.
- (e) Police cyclists may initiate traffic stops, giving particular attention to motorist and officer safety.
  1. Physical contact with a moving vehicle is not recommended unless exigent or related emergency circumstances dictate.
  2. Police bicycles should be kept out of traffic and should not be positioned in front of or behind the stopped vehicle. When possible, the bicycle should be behind the vehicle off the roadway.
  3. Bicycle patrol officers are encouraged to make passenger side approaches and to utilize available cover when present.
  4. Marked patrol units should be requested, where appropriate, to provide emergency lighting and cover from traffic.
2. The deployment of police cyclists is subject to the following procedures.
  - (a) Prior to initiating bicycle patrol, police cyclists shall inspect their equipment to ensure that it is in proper working order. If a problem is discovered that the police cyclist cannot fix, notice shall be given to the shift supervisor.
  - (b) Police cyclists and supervisors shall exercise discretion in determining whether or not to use a bicycle on patrol when excessively high or low temperatures or other weather conditions may make the use of bicycles inadvisable or hazardous.
  - (c) While operating a bicycle, bicycle patrol officers will wear an approved helmet, shatter-resistant protective eyewear, and utilize approved pedal retention devices.
  - (d) While patrolling at night, unless employing stealth, police cyclists should use lights that meet the legal mandate or current standard for public safety cycling, whichever is greater, and any legally mandated reflective equipment and high-visibility attire.
  - (e) Whenever possible, police cyclists should give an audible warning of their approach from the rear, maintain reasonable speeds, and exercise caution when patrolling on sidewalks and other locations where pedestrians are present. They should not operate where prohibited by local ordinance, unless emergency circumstances dictate otherwise.
  - (f) When possible, police cyclists shall notify communications of all potential enforcement contacts, to include their exact location.

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- (g) In arrest situations, police cyclists shall request a motorized transport unit for the prisoner.
    - 1. A police cyclist shall not secure a prisoner to an object and leave him or her unattended, unless an emergency exists that requires immediate action by the police cyclist.
    - 2. The police cyclist shall respond to the appropriate facility to process the arrestee at the earliest convenience or in accordance with normal procedure.
  - (h) When leaving bicycles unattended, police cyclists shall, whenever possible, do the following:
    - 1. Secure their bicycles with a locking device to an immovable stationary object in an easily monitored location unless engaged in emergency situations, such as foot pursuits, that preclude this requirement.
    - 2. Take reasonable precautions to ensure that the bicycle does not obstruct pedestrian or vehicular traffic.
  - (i) If minor damage to the bicycle is sustained during the shift, the police cyclist shall notify the shift supervisor by the end of the shift. If substantial damage to the bike or injury to the officer or a civilian is sustained, the bicycle patrol officer shall immediately notify the shift supervisor and request appropriate medical assistance.
  - (j) When not in use, all police bicycle equipment shall be stored and locked in the designated area.
- 3. Police cyclists shall utilize their department bicycles for off-duty assignments only with a commander's prior approval.

#### **428.3 PERSONNEL SELECTION**

In order to reduce the risk of exercise-induced medical problems, pre-screening of candidates may be considered.

Any physical fitness testing should be conducted by in the presence of a qualified fitness and/or medical professional.

Candidates must pass the familiarization course at the direction of an in-house instructor

#### **428.4 TRAINING**

Selected officers should complete the familiarization course at the direction of an in-house instructor on an annual basis.

Advanced and specialty training is authorized only for those who have attended the standard basic course and who demonstrate above-average competency. All advanced and specialized training shall be authorized in accordance with the department selection application policy and as dictated by operational objectives.

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Any bike officer who is absent from bike patrol for an extended period should be evaluated by an in house instructor. Based upon the instructor's assessment, refresher training ranging from an 1-hour course to a 8-hour course should be provided.

#### **428.5 PERSONNEL RESPONSIBILITIES**

Bicycle Unit will fall under the direction of the Assistant Chief who will assign a bicycle unit coordinator.

The Assistant Chief, or authorized designee, shall oversee recruitment, pre-qualification, training (initial and ongoing), cycling standards, uniforms and equipment, maintenance, deployment, and ensure the following

1. All bicycle-mounted operations are conducted in accordance with this policy.
2. All prospective bicycle unit members complete the screening process and are selected according to the established criteria.
3. Bicycle patrol officers sign for, maintain, and are held accountable for all bicycle-related equipment in their care.
4. A written inventory of all departmental equipment, including bicycle serial numbers, is maintained, and that monthly inventories of all issued equipment are conducted.
5. Sufficient cleaning and maintenance supplies are available.
6. Bicycles are stored properly when not in use.
7. Incident report forms are completed for any injuries sustained on bike duty.

#### **428.6 PHYSICAL QUALIFICATIONS**

Physical fitness is important to police cyclists, as they are subject to greater levels of exertion than officers operating motor vehicles, both during general patrol and in special situations, such as pursuits. In order to reduce the risk of exercise-induced medical problems, pre-screening will be conducted by a physical therapist at Affinity Workplace Solutions.

Physical Requirements:

- (a) Able to safely maneuver a bicycle through traffic and pedestrian traffic
- (b) Able to ride a bicycle for an extended period
- (c) Able to maneuver difficult terrain
- (d) Able to carry a bicycle

## Police Explorers

### 429.1 PURPOSE AND SCOPE

NPD does not currently have a Police Explorer program. NPD supports the Menasha Police Department (MPD) Explorer Program by offering Ride-Along availability to MPD Law Enforcement Explorer Post 9106 (Post #9106).

### 429.2 RIDE-ALONG PROCEDURES

The policy and standard operating procedures contained in this policy are in cooperation with the City of Menasha Police Department (MPD) Law Enforcement Explorer Post 9106 (Post #9106) specifically for the Ride-Along program and have been approved by the Chief of Police and supplement the rules, regulations, policies and procedures of NPD. All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by the Shift Supervisor. Authorized explorers must adhere to all the procedures outlined in 429.2.

#### 429.2.1 PURPOSE AND OBJECTIVES

The purpose of MPD Post 9106 is to provide a comprehensive training, competition, service, practical, and recreational experience to young adults interested in a career in law enforcement or a related field. Toward that end, the objectives of the Ride-Along program are to offer qualified Explorers the opportunity to accompany a police officer on patrol to observe and gain practical experience with regard to the methods and techniques used in patrol operations and related services. This program also provides Explorers with valuable knowledge of the challenges and benefits of patrol operations and a better understanding of the importance of police services. NPD's participation in this program is intended to further the opportunities and experiences of MPD Post 9106 Explorers.

#### 429.2.2 RISK MANAGEMENT AND ACCEPTANCE OF LIABILITY

NPD recognizes the potential risks to participants involved with Post 9106 activities, to include personal injury and/or inadvertent involvement with dangerous situations. All NPD personnel, or approved volunteers, involved with Post 9106 will make every effort to minimize risk to Explorers through training, supervision, adherence to policy and standard operating procedures, and proactive risk management. As a condition of acceptance into Post 9106, the parents or legal guardian of every Explorer, or the Explorer if of legal age to do so, must sign a hold harmless and release form acknowledging they have been advised of the risk potential and waive any right to initiate a legal cause of action against the City of Neenah, the NPD, and Learning for Life/Law Enforcement Exploring, or any of their representatives.

#### 429.2.3 AUTHORIZATION FOR EMERGENCY MEDICAL TREATMENT

Prior to participation in the program, the parents or legal guardian of every Explorer in Post 9106, or the Explorer if of legal age to do so, must sign a medical release form authorizing NPD representatives to approve emergency medical treatment.

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##### 429.2.4 LEARNING FOR LIFE/LAW ENFORCEMENT EXPLORING POLICIES

The policies and standard operating procedures for NPD's participation with Post 9106 shall remain consistent with current policies established by Learning for Life/Law Enforcement Exploring with respect to Explorers driving police vehicles, covert activities, blood borne pathogens, Hepatitis B vaccination declination, or any future policies pertaining to Law Enforcement Exploring.

##### 429.2.5 PARTICIPATION LIMITATIONS

Explorers under 16 years of age are not authorized to participate in the Ride-Along program.

Explorers under 18 years of age may not accompany officers on a Ride-Along between 12 midnight and 6 AM. In order ensure that Explorers partake in all activities of the Post, and to provide an equal opportunity for all members, Explorers will be limited to participating in the Ride-Along program based on the number of hours expended on other Post activities. Upon accruing eight hours of time involved in Post meetings, training, competition or other approved activities, an Explorer can spend an equal amount of time participating in the Ride-Along program. The Post Advisor, or his designee, can make an exception to this policy as needed.

##### 429.2.6 PREREQUISITES FOR EXPLORERS

As a prerequisite for participating in the Ride-Along program, an Explorer must be a member of Post 9106 for a minimum of 6 months and not be the subject of any disciplinary action (to include not being on academic probation for failure to maintain a 2.0 cumulative GPA).

##### 429.2.7 SPECIALIZED TRAINING FOR EXPLORERS

Prior to being designated as qualified for the Ride-Along program, Explorers will receive specialized training in methods and techniques used in patrol operations and related services, traffic control, crowd control, telecommunications procedures, basic first aid/CPR, and youth protection issues. The youth protection issues portion of the training will emphasize assertive and practical ways in which an Explorer can prevent and stop inappropriate behavior from adults or other Explorers. Explorers also will be provided with familiarization training on all patrol vehicle systems and equipment.

##### 429.2.8 OFFICERS

In order for an Officer to be considered for the program they must have completed their field training program and probationary period, and be in good standing with no pending disciplinary actions or other adverse matters. NPD personnel approved for participation in the Ride-Along program must undergo an orientation that includes an overview of Law Enforcement Exploring, agency policy and standard operating procedures for Officers and Explorers, and youth protection issues.

##### 429.2.9 UNIFORM, AUTHORIZED EQUIPMENT, & PROHIBITED EQUIPMENT

Explorers will report for a Ride-Along well-groomed in a clean and pressed Class A uniform (unless otherwise notified). Explorers should have other uniform items as dictated by weather or other factors (i.e. rain coat, coat, boots, etc), along with a reflective vest or other approved reflective clothing item to be used when in engaged in traffic control functions.

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Explorers will have with them on every Ride-Along a notepad, pen and pencil, flashlight, and whistle. Explorers may wear a protective vest (personally owned or, if available, a NPD or MPD owned vest) under their uniform shirt.

Explorers may not carry any offensive or defensive weapons; to include firearms, tasers, nightsticks, batons (collapsible or otherwise), saps, sap gloves, knives, chemical repellents or electrical shock devices.

#### 429.2.10 REPORTING FOR A RIDE-ALONG

Explorers will report for their Ride-Along at least 15 minutes before their scheduled time in their complete uniform and with the required equipment. Explorers must not have any prohibited equipment as defined in Section 429.2.9 of this policy.

#### 429.2.11 RIDE-ALONG LOGBOOK/RELEASE RECORDS

A Ride-Along logbook will be maintained in the Shift Supervisors Office and will be completed by the supervising officer each time an Explorer accompanies him/her on a Ride-Along. The logbook will contain the following information about the Ride-Along: date, start time, end time, Explorer's name, supervising officer's name and any comments deemed appropriate by the supervising officer. A records book will also be maintained in the Shift Supervisor's office that will contain a current list of Explorers qualified to participate in the Ride-Along program, along with a copy of their hold harmless and release form as well as their medical release form that permits NPD representatives to approve emergency medical treatment. It is the responsibility of the Post Advisor, or his designee, to make sure the logbook is maintained properly and the release records book is up to date.

#### 429.2.12 UNACCEPTABLE BEHAVIOR ON RIDE-ALONG

Explorers may not eat or drink (except with permission from the supervising patrol officer); use tobacco products; use any electronic device such as a cell phone, personal digital assistant, music device or game; or engage in any other behavior that would distract the supervising officer or interfere with the objectives of the Ride-Along program. The only exception to this policy is the use of a cell phone, or other communication device, in an emergency situation.

#### 429.2.13 PROHIBITED ACTIONS

Due to potential legal issues with federal and state statutes regulating criminal law and procedure, civil law, and privacy and confidentiality concerns, Explorers are not permitted to participate in interviews, interrogations, the handling or processing of evidence, or the intake or transfer of persons taken into custody. Further, Explorers are forbidden from responding to any opinion or judgment questions posed to them by the public (i.e., at a scene of a traffic accident someone asks, "Who do you think was at fault?" "What type of citation should be issued?," etc.). Conversations with citizens will be limited to comments made necessary by direct inquiry and do not require an opinion or judgment, or as otherwise directed by the supervising officer. If avoidable, Explorers should not be placed in situations where they may be called as a witness in a criminal or civil proceeding.

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##### 429.2.14 SUPERVISION OF EXPLORER

At all times during a Ride-Along the Explorer will adhere to the commands and direction given to him/her by the supervising officer or, in the supervising officer's absence or incapacity, any other law enforcement officer. The Explorer shall, to the extent possible, remain in the patrol vehicle as an observer during a Ride-Along unless otherwise directed by the supervising officer or other law enforcement officer.

##### 429.2.15 PERMISSIBLE ACTIVITIES ON RIDE-ALONGS

Explorers, as directed by the supervising officer, may assist with telecommunications, traffic control, crowd control, perimeter control, and completion of incident report forms or any other activity that is considered by the supervising officer to be routine and low-risk for the Explorer.

##### 429.2.16 PROHIBITED ACTIVITIES ON RIDE-ALONGS

Explorers are prohibited, due to the considerable potential for legal complications or for an aggressive or risk inherent response, from participating in arrests, felony-in-progress calls, high-speed traffic pursuits, foot pursuits, domestic crisis calls, civil unrest or drinking establishment disturbances, sobriety tests or any other high risk or legally precarious situation. Should, during the course of a Ride-Along, the supervising officer have enough advance notice of a high risk or legally precarious call as it relates to the Explorer, he/she will transport the Explorer to a safe location or make arrangements for the Explorer to be transported to a safe location.

##### 429.2.17 SPONTANEOUS EMERGENCY ON RIDE-ALONG

Patrol operations and calls for service often involve spontaneous situations that require an aggressive and risk inherent response; or just as likely a routine call for service escalates into a situation requiring the same type of response. In that it is not possible to foresee every possible contingency for Explorers participating in the Ride-Along program the supervising law enforcement officer responsible for the Explorer must, based upon the circumstances presented, use his/her best professional judgment with respect to the safety and security of the Explorer. As a general rule, if the supervising officer is confronted with such a situation and able, he/she should make arrangements for another law enforcement officer to transport the Explorer to the police station or other safe location. In some situations it may be safer for the Explorer to remain in the patrol vehicle. It is the responsibility of the Explorer to remain as uninvolved as possible during a spontaneous emergency. In the event the supervising officer is in need of emergency assistance, the Explorer will contact the police dispatch center by police radio or cell phone and relate as clearly as possible the location and situation. If the Explorer's safety is in jeopardy, and he/she can be of no further assistance to the supervising officer or other law enforcement personnel, the Explorer should remove himself/herself from the immediate area and, without unnecessary delay, report to the police station. Subsequent to the spontaneous emergency, the supervising officer and the Explorer must each prepare a written report detailing the spontaneous emergency and the actions of the supervising officer and Explorer. This report must be prepared as soon as possible after the spontaneous emergency, but generally no later than 2 hours after the incident, and submitted to the Shift Supervisor and a copy to the Post Advisor.



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##### 429.2.18 INJURIES/POTENTIAL LEGAL SITUATIONS

The supervising officer, or any other NPD personnel or volunteer involved with Post 9106, must report to the Shift Supervisor and Post Advisor any injury that occurs to an Explorer, or any situation that may have legal consequences, arising from the Explorer's participation in a Ride-Along or any other Post 9106 activity. This report must be made as soon as possible, but no later than 24 hours after the injury or incident.

##### 429.2.19 INFRACTIONS OF POLICY

The supervising officer shall immediately terminate the Ride-Along for any infraction of this policy. Infractions of this policy, or any other NPD policy and procedure, by an Explorer must be reported to the Post Advisor as soon as possible, but no later than 24 hours after the incident(s) so appropriate follow-up and/or disciplinary action can be initiated

## Criminal Trespass to Dwelling

### 430.1 PURPOSE

This policy accommodates the requirements of Act 176, codified as ss. 175.403, regarding the enforcement of Criminal Trespass to Dwelling violations, ss. 943.14.

### 430.2 DEFINITIONS

Criminal trespass to dwelling ss. 943.14 - Whoever intentionally enters or remains in the dwelling of another without the consent of some person lawfully upon the premises or, if no person is lawfully upon the premises, without the consent of the owner of the property that includes the dwelling, under circumstances tending to create or provoke a breach of the peace.

Dwelling ss. 943.14 (1) - A structure or part of a structure that is used or intended to be used as a home or residence by one or more persons to the exclusion of all others. For the purposes of this section, a dwelling meets that definition regardless of whether the dwelling is currently occupied by a resident.

### 430.3 PROCEDURE

- A. All allegations of Criminal Trespass to Dwelling will be thoroughly investigated.
- B. If probable cause exists for an arrest for Criminal Trespass to Dwelling, ss. 943.14, Neenah officers will at a minimum ensure that the violator is removed from the premises.
- C. Arrest for violations of 943.14 will be at the discretion of the officer, considering all of the factors present and the need to maintain community order and peace, and prevent future violations by the same perpetrator.
- D. Arrests can be made through physical custodial arrest, referral, or municipal summons.
- E. Officers will use professional communication skills and seek voluntary cooperation from any violator prior to forcibly removing anyone from the premises.
- F. Violations of ss. 943.14 will be documented in a long form incident report.
- G. Any use of force necessary to accomplish the removal of an unwilling violator will be documented in a Use of Force report.

Wisconsin State Statute [943.14](#) is not a method for landlords to circumvent eviction proceedings. An officer cannot have probable cause of a violation if the suspect has a leased, month to month, week-to-week, tenant relationship with complainant.

## Utility-Terrain Vehicle (UTV)

### 431.1 PURPOSE

The purpose of this policy is to establish operating and maintenance guidelines for the Utility-Terrain Vehicle (UTV).

### 431.2 AUTHORIZED OPERATORS

IF BORN PRIOR TO JANUARY 1, 1988:

- Any full-time Neenah Police Department member who is born prior to January 1, 1988, is authorized to operate the police UTV.

IF BORN AFTER JANUARY 1, 1988:

- If any Full-Time member is born after January 1, 1988, they must receive permission from a Command Staff member to apply for the required DNR-UTV safety class.
- A safety certification must be obtained by completing a course online or through classroom instruction. Online courses are conducted by two vendors: [www.atvcourse.com](http://www.atvcourse.com) and [www.offroad-ed.com](http://www.offroad-ed.com).
- Prior to enrolling in a safety class you must obtain your own, individual DNR Customer ID number. (DNR Customer ID numbers are also needed to purchase hunting and fishing licenses and can be found printed on all licenses.) You can obtain a DNR Customer ID number by:
  - Applying for one through the DNR website
  - Calling DNR Customer Service at 1-888-936-7463
  - Visiting a DNR Service Center during their regularly scheduled hours

### 431.3 OPERATION OF UTV

Authorized operators are expected to exercise due regard when operating the UTV in any function. It is imperative to take the necessary steps to ensure that UTVs are operated safely to minimize the number and severity of workplace accidents.

Operators are expected to review and understand the UTV's operator's manual.

The UTV is intended for use during events where mobility and/or visibility of law enforcement can be better served with this vehicle.

The UTV may also be used for any circumstance where the Shift Commander deems it appropriate

The UTV may be utilized as a community relations vehicle where appropriate.

### 431.4 PASSENGERS

The UTV may be used to transport passengers.

Passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet. *Bicycle helmets do not meet this requirement.*

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##### **431.5 UNIFORM**

Department personnel operating and/or riding in the UTV may wear any authorized Neenah Police uniform or attire.

##### **431.6 EQUIPMENT MAINTENANCE**

The Department UTV must be maintained following manufacturer recommendations, to include issued manufacturer recalls. In addition, prior to operating the UTV an operator must verify proper tire condition, make sure the brakes are working and that there is proper steering. All of these are critical to safe operation.

The Department UTV's maintenance will be the responsibility of the fleet manager or the authorized designee.

UTV Equipment maintenance will be the responsibility of the fleet manager or the authorized designee.

##### **431.7 CRASHES AND INJURIES**

In the event of a crash that results in an injury or fatality, advise a supervisor as soon as it is practical. If a crash results in an injury requiring treatment by a physician, or results in a fatality, the incident must be reported as soon as possible to a Conservation Warden or other law enforcement officer. You must file a written report of the incident within 10 days to the DNR. Official DNR Operator Crash Report forms can be obtained by visiting the DNR website ([www.dnr.wi.gov](http://www.dnr.wi.gov)), a DNR Service Center or Sheriff's Office.

##### **431.8 CITY OF NEENAH ORDINANCE SECTION 11-2 (USE OF RECREATIONAL VEHICLES)**

The following language in Section 11-2(b)(3) authorizes the operation of City owned UTVs and ATVs at approved special events:

"(3) This section shall not apply to utility terrain vehicles (UTV) or all-terrain vehicles (ATV) owned or operated by the City for public purposes, and privately owned or operated UTVs and ATVs at approved special events provided said operation is pursuant to authorization granted by permit issued by the City."

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic crashes and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on crash data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash situations but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Neenah 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.

### 500.2.1 VEHICLE CONTACTS

#### Types of Contacts

*Approach Contacts:* Those contacts that do not appear to pose a higher than normal risk of danger to the officer. The officer feels relatively safe in approaching the vehicle to speak to the driver. Vehicle contacts for minor violations typically fall into this category.

*Non-Approach Contacts:* Those contacts in which the officer feels safe or comfortable approaching the vehicle, but instead chooses to take other action, such as directing the driver to step out of the vehicle and move to a different location for contact. Or the officer may choose to wait until backup has arrived before making contact.

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**High Risk Contacts:** Those contacts in which the apparent level of danger is high enough to require extreme caution. These typically involve multiple officers, ordering a vehicle occupant out one at a time, and so on. A minimum of three (contact, cover, and arrest control officer) are recommended to conduct a high risk contact properly.

Vehicle contacts should conform to the prescribed Wisconsin LESB standards.

***Remember the type of tactic used is based on the officer's threat assessment, which is a continuing activity throughout the contact.***

### **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:

#### **500.3.1 WARNINGS**

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

#### **500.3.2 TRAFFIC CITATIONS**

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers shall provide the following information at a minimum (Wis. Stat. § 345.27):

- (a) Explanation of the violation or charge (Wis. Stat. § 345.27):
  - 1. That certain convictions may result in revocation or suspension of the person's operating privileges, if the conviction will have that effect
  - 2. That demerit points may be assessed against the person's driving record for the offense
  - 3. The number of demerit points that is cause for revocation or suspension
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

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##### 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

##### 500.3.5 UNIFORM ENFORCEMENT FOR SPECIFIED VIOLATIONS

- (a) Speed Violations and Other Hazardous Violations:
  - i. Hazardous violations are those traffic law violations that affect the safe and orderly movement of vehicular or pedestrian traffic. These violations are typically caused by the unsafe actions of the operator and should typically result in the issuance of a municipal summons or documented warning. Officers shall take the totality of the circumstances into consideration as to whether he/she issues an ELCI or written traffic warning form. Speed violations are the most common type of violation in this category.
- (b) Other Non-Hazardous & Vehicle Equipment Violations:
  - i. These violations include but are not limited to equipment violations, parking violations, operator license violations, and registration violations. Officers shall use their discretion when investigating these types of violations of whether to issue an ELCI or written traffic warning form.
- (c) Operating After Revocation or Suspension:
  - 1. The status of the operating privilege at the time of the stop will determine whether the charge is a civil forfeiture or criminal offense.
    - (a) For all violations where the driving status is suspended and it is a civil violations, a municipal citation should be issued unless there is a valid reason not to.
    - (b) If a violator's driving status is revoked as a result of an OWI related incident, the offense is a criminal violation and the criminal traffic citation shall be routed to Winnebago Co DA's office for the next Criminal Traffic Crimes court date. All other OAR violations are non-criminal and, after



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issuing a citation for such, the member shall release the violator from the scene if he/she has been properly identified and there is no other legal or investigative reason to detain or arrest the violator.

(d) Public Carrier/Commercial Vehicle Violations:

1. Commercial motor vehicles and public carriers are subject to the same traffic enforcement procedures as other motor vehicles. Members shall take into consideration the location of the incident, traffic congestion, vehicle maneuverability, the cargo and size of the load, and the familiarity of the operator with the area.

(e) Multiple Violations:

1. In the event of multiple citations being issued, municipal court dates will all be on the same day and Misdemeanor citations will list the same court date.
2. If a criminal citation is issued, the court date listed will be for the next Winnebago County Courts Traffic Crimes date only for the criminal citation(s) and any municipal citation(s) will utilize the next municipal date.
3. If a Misdemeanor criminal OWI citation is issued, it will list the next OWI Fast Track branch date and any other criminal citations will also use this same court date.

(a) Felony OWI's do not have their citation issued and will remain in custody to receive court date. Misdemeanor traffic citations will be issued for the next Criminal Traffic Crimes court date

4. In the event that multiple municipal citations arising from a single incident, including traffic and non-traffic, are issued to the same defendant, all citations should be issued by for the same court date. If a Juvenile is issued multiple citations, a Juvenile court date should be used for all citations, to include traffic citations that would normally go to the Adult municipal court.

(f) Off-Road Vehicle Violations:

1. Off-road vehicles include all-terrain vehicles, snowmobiles, dirt and mini bikes, etc. Officers may enforce all applicable laws pertaining to the operation and registration of off-road vehicles and they may take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed and/or reported to them in accordance with state laws and city ordinances.

(g) Newly Enacted Laws and/or Regulations:

1. Officers shall take into consideration the enforcement of all newly enacted laws and/or regulations. Members shall use their discretion to determine if a citation is warranted based on the totality of the circumstances.

(h) Violations resulting in Traffic Crashes:

1. Officers shall investigate motor vehicle crashes in accordance with policy and procedure. During the course of their investigation, Officers may issue citation(s) for those violations that he/she observes or has reported to them. Officers

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shall consider the physical evidence available at the scene, the statements of witnesses, and the severity of the offense.

(i) Pedestrian and Bicycle Violations:

1. Officers shall be alert for pedestrian and bicycle violations and safety hazards. Discretion on the part of the officer shall determine the type of enforcement action to be taken depending on the totality of the circumstances and the severity of the violation.

#### 500.3.6 SPECIAL CATEGORIES OF VIOLATORS

(a) Non-Residents of the City of Neenah Jurisdiction:

- (a) No special considerations are required for traffic enforcement for individuals residing outside of NPD's jurisdiction.

(b) Juveniles:

- (a) Upon issuing of misdemeanor or municipal citations to a juvenile, NPD shall notify the juvenile's parent, guardian, or legal custodian within seven days (Wis. Stat. § 938.17(3)(c)).
- (b) Parent information should be included on the summons or citation.
- (c) Juveniles 12-14 years old will be issued normal traffic citations with adult bond amounts with a Juvenile court date
- (d) Juveniles 15 years or older will be issued normal traffic citations with adult bond amount with an Adult court date
- (e) Non Traffic Citations issued to Juveniles under 17 years of age use Juvenile bond and juvenile court dates.

(c) Legislators, foreign diplomats, and consulate officers:

1. No special considerations are required for traffic enforcement for Legislators, however a supervisor should be advised.
2. Foreign diplomats and consulate officers require special considerations; see Foreign Diplomatic and Consular Representatives Policy.

(d) Military Personnel:

1. If military vehicles are involved in traffic enforcement activities, a supervisor will be advised and the supervisor should attempt to contact a supervisor in the soldier's chain of command.
2. Military personnel are exempt from the state of Wisconsin licensing requirements if they are operating a motor vehicle owned by or leased to the federal government (Wis. Stat. § 343.05(4)(a)(1)).
3. Any license issued by the Department of Transportation does not expire on the expiration date if, on the expiration date, the licensee is on active duty in the United States armed forces and is absent from this state. The license does not expire until 30 days after the licensee returns to the state of Wisconsin or 90

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days after the licensee is discharged from active duty, whichever is earlier (Wis. Stat. § 343.20(4)).

#### **500.4 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).

Officers shall wear the provided ANSI Class II high-visibility vests when involved in traffic direction and control. 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 TRAFFIC DIRECTION AND CONTROL**

There is often a need to re-route traffic, resolve a traffic obstruction, or take additional traffic control measures in special circumstances (parades, special events, etc). It is important to remember that the officer's primary task is to maintain or regain control of a possibly chaotic situation in a safe manner.

Considerations:

- (a) Ensure proper radio notifications are made during initial approach of incident.
  - 1. Nature and location of problem.
  - 2. Quickly analyze the situation and formulate a preliminary action plan.
  - 3. Advise supervisor and/or dispatch of possibility of additional needs including manpower and equipment.
  - 4. Consider the potential duration of the problem, re-routing traffic and barricades for long term problems.
  - 5. Consider contacting Public works traffic department if necessary for longer duration incidents.
- (b) Institute protective measures.
  - i. Activate emergency lighting equipment.
  - ii. Wear protective reflective vest.
  - iii. Park patrol unit in safe location that minimizes traffic obstruction.
- (c) Methods for directing the flow of traffic.
  - i. Hand signal.
  - ii. Whistle signals.
  - iii. Flashlight equipped with luminous wand.
  - iv. Collapsible Cones(with warning lights), barricades, portable stop signs, and roadblocks for extended periods.

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##### Situations normally encountered

- (a) Roadway obstructions.
  - i. Traffic from one to two directions.
  - ii. Control one direction at a time to facilitate flow around hazard.
  - iii. Monitor traffic build-up to prevent secondary problems
- (b) Uncontrolled intersections.
  - i. Traffic from more than two directions without limitations.
  - ii. Requires increased supervision; may require more than one officer.
- (c) Controlled intersections.
  - i. Continued traffic signal operation may complicate situation.
  - ii. Power outage reverts this to uncontrolled situation.
  - iii. Use emergency stop signs located on traffic signal posts.

##### Circumstances requiring traffic control.

- (a) Stalled motorists
- (b) Accidents.
  - i. Protect the scene and parties involved.
  - ii. Prevent additional accidents/problems.
  - iii. Check for injuries.
- (c) Funerals.
  - i. In accordance with 346.20 to 346.20(4) or 346.215.
- (d) Flooded or damaged roadways.
  - i. Underpasses.
  - ii. Barricades typically utilized due to duration.
- (e) Parades.
  - i. Coordinate with other units.
  - ii. Provide safe, steady flow.
- (f) Special events.
  - i. Use of barricades from Street Department.
  - ii. Parades, Homecoming, Festivals etc.
- (g) High risk stops.
  - i. Protect immediate area and civilians.
  - ii. Provide visual observation to contact officers.

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- (h) Bomb threats and SWAT Incidents.
  - i. Provide safe distance perimeter based on threat.
  - ii. Containment of situation/suspects.

#### **500.6 HAZARDOUS HIGHWAY CONDITIONS**

Officers may be dispatched to or come across hazardous road conditions in the course of their duties. This could include, but is not limited to damaged roadways, flooding, downed poles or wires, and road debris. The following considerations may apply:

- Ensure proper radio notifications are made if required.
- The nature and location of problem
- Quickly analyze the situation and formulate a preliminary action plan
- Advise supervisor and/or dispatch of possibility of additional needs including manpower and equipment
- Consider the potential duration of the problem, re-routing traffic and barricades for long term problems
- Contacting the appropriate City Department or Utility as necessary.

#### **500.7 VEHICLE ESCORTS**

##### (a) TYPES OF ESCORTS

##### 1. Emergency Escorts

- (a) Due to the considerable dangers involved, escort of civilian vehicles in emergencies is to be undertaken only if no viable alternatives exist.
- (b) In most situations, patients should be attended to and transported by trained EMS/medical personnel in an ambulance.
- (c) If an emergency escort is provided, safety of others on the roadways, the patient, and officers are paramount and should be conducted with due regard.

##### 2. Non-Emergency Escort

- (a) The department may conduct non-emergency escorts.
- (b) Non-emergency escorts may include the use of police vehicles for the purpose of escorting the following:
  - 1. Oversized vehicles.
  - 2. Parades.
  - 3. Dignitaries.
  - 4. Celebrities.
  - 5. Funerals.

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6. Special events.
7. Hazardous materials.

(b) **ESCORT AUTHORITY**

Department members are granted the authority to conduct escorts under Wis. Stat. § 346.215:

1. Official Escorts shall be conducted by a minimum of two emergency vehicles, one leading the procession and one at the rear.
2. Officers shall use due regard and obey all traffic laws at all times during an escort.
3. The operator of an authorized emergency vehicle conducting an escort may proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation if the operator gives visual signal by use of emergency lights and when there is a lead and trail emergency vehicle.
4. Operators of emergency vehicles are not required to give an audible signal, but it is suggested.
5. All emergency and escorted vehicles shall yield the right-of-way upon approach of an authorized emergency vehicle giving an audible signal.
6. All operators of vehicles not involved in the escort shall yield the right-of-way at an intersection to the escort procession, unless authorized to do so by a traffic officer.

(c) **STANDARD PRACTICE**

Department participation in escorts will typically fall under Wis. Stat. § 346.20:

1. This is that standard Right-of-Way procession non escorted processions with addition of a Department Squad or CSA Vehicle in the lead.
2. Officers shall use due regard and obey all traffic laws at all times during an escort.
3. The leading vehicle in the funeral procession or military convoy shall comply with stop signs and traffic control signals, but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal.

#### **500.8 PATROL LIEUTENANT RESPONSIBILITIES**

The Patrol Lieutenant is responsible for developing, maintaining and reviewing detailed procedures for the enforcement of traffic laws. Traffic procedures shall include, but are not limited to, the following:

- Interaction with specific categories of violators
  - Non-residents of the department jurisdiction
  - Juveniles

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- Legislators
- Foreign Diplomats and Consular Representatives (see policy by the same name)
- Active military members
- Required information provided to violators
- General enforcement procedures including, but not limited to, violations relating to the following:
  - Operating a vehicle under the influence of alcohol or drugs
  - Operating a vehicle on a suspended or revoked license
  - Speed
  - Hazardous operations
  - Off-road vehicle
  - Equipment
  - Public carrier or commercial vehicle
  - Non-hazardous
  - Multiple
  - Newly enacted laws and/or regulations
  - Violations resulting in traffic crashes
  - Pedestrian and bicycle
- Roadside safety checks
- Stopping and approaching vehicles
- Officer-violator relations
- Radar and other speed-measuring devices
- License re-examination referrals
- Processing requests and providing law enforcement escort services including funerals, parades, dignitaries, and civilian and over-sized vehicles.
- Traffic direction and control under a variety of circumstances

#### **500.9 SPECIAL CATEGORIES OF VIOLATORS**

The Patrol Lieutenant is responsible for developing, maintaining, and reviewing detailed procedures for handling special categories of traffic violators including:

- (a) A non-resident violator should be handled consistent with any other traffic violator.
- (b) A juvenile violator may be issued a warning or citation for minor traffic offenses. Violations that subject a juvenile to temporary custody should be handled in accordance with the Temporary Custody of Juveniles Policy.

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- (c) Legislators are subject to traffic laws consistent with any other traffic violator.
- (d) A foreign diplomatic and consular representatives shall be handled in accordance with the Foreign Diplomatic and Consular Representatives Policy.
- (e) Military personnel who have committed a traffic violation should be handled consistent with any other traffic violator, with the exception of an expired driver's license due to active-duty status.



# Traffic Crash Response and Reporting

## 501.1 PURPOSE AND SCOPE

The policy provides guidelines for responding to and investigating traffic crashes.

## 501.2 POLICY

It is the policy of the Neenah Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request (Wis. Stat. § 346.70(4)).

### 501.2.1 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 634.3).

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 employee.

### 501.2.2 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.

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

## 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to

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the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. An on- or off-duty member of this department involved.
- (b) Is within another jurisdiction and there is:
  - 1. A City of Neenah vehicle involved.
  - 2. A City of Neenah official involved.
  - 3. An on-duty member of this department involved.

#### 501.3.1 FATAL OR SERIOUS INJURY CRASH CONSIDERATIONS

Providing first aid to any injured parties if it can be done safely and obtaining medical assistance as necessary.

Scene preservation as appropriate and document as necessary.

Assistant Chief (or authorized designee) notification for fatal or serious injury crash notifications is required.

The Assistant Chief or the Shift Supervisor may assign an investigator or officer to investigate the traffic crash or request assistance from an outside agency, such as State Patrol, for accident reconstruction and investigation.

WI Act 163 (covered under 343.305(3)(ar) 1-2):

- Allows officers to request/take blood/breath at a traffic accident that: causes death or great bodily harm and you have reason to believe the driver violated any state or local traffic law, even if you do not have reason to believe the driver is impaired
- Also allows officers to request/take blood in an accident that causes substantial bodily harm to any person, and an officer detects any presence of alcohol or drugs
- Call on-call D.A. when consent is not given under WI ACT 163

#### 501.3.2 HIT & RUN

Generally complete long form dictations for Hit & Run accidents. This is the only way to track the investigation and follow up information.

Complete long form dictation AND DT4000 Uniform Crash Report if crash meets reportable requirements.

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##### 501.3.3 FATAL HIT AND RUNS

If a law enforcement agency receives a report of a violation of s. [346.67](#) or [346.70 \(1\)](#), the law enforcement agency shall disseminate the report through the integrated crime alert network if the law enforcement agency determines that all of the following conditions are met.

- A person has been killed due to the accident that is related to the violation.
- The law enforcement agency has additional information that could help identify the person who has allegedly committed the violation or the vehicle involved in the violation.
- An alert could help avert further harm or aid in apprehending the person who allegedly committed the violation.

##### 501.3.4 NON-REPORTABLE ACCIDENTS

Crashes where there is no death or personal injury and the amount of damage to state or other government owned property (except vehicles) to an apparent extent of less than \$200 or a total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of less than \$1,000, are not reportable under state law. Therefore, members shall not file a Wisconsin Uniform Crash Report(form DT-4000), but shall ensure or facilitate the exchange of driver information.

##### 501.3.5 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares, or other devices if available to provide protection for members, the public, and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

#### **501.4 NOTIFICATION**

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Shift Commander. The Shift Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Commander will ensure notification is made to the Patrol Lieutenant, department command staff, and Mayor in accordance with the Major Incident Notification Policy.

##### 501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the

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Coroner, department chaplain, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

A crash report shall be taken when (Wis. Stat. § 346.70(4)(b)):

- (a) The crash originated or terminated on a traffic way, or public or private premises as outlined within Wis. Stat. § 346.66, and involved at least one motor vehicle in transport and resulted in any of the following (Wis. Stat. § 346.70):
  1. Injury or fatality of a person
  2. Total damage to one person's property that is reasonably believed to be \$1,000 or more
  3. Damage to government-owned property that is reasonably believed to be \$200 or more, except to government-owned vehicles, which is \$1,000 or more

Motor vehicle crashes that do not meet the above criteria are considered non-reportable and may be documented in a general information report in lieu of the WisDOT report form. The information contained in the general information report shall be sufficient to complete the WisDOT report form should it later be determined that the crash involved injuries or property damage that meet the state criteria of a reportable crash.

##### **501.5.1 PRIVATE PROPERTY**

Generally, reports should not be taken when a traffic crash occurs on private property unless it involves an injury or fatality, a hit-and-run violation, or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

Officers responding to private property accidents will respond and conduct an investigation consistent with prior procedures but should not complete a formal written report (Badger TRACS) unless any the following exist:

- The accident is a direct result of a public way accident
- Occurred on private property open to public and apartment complexes with 4 or more units
- Hit and Run (over \$1000 damage)
- The accident involved an impaired driver
- The accident results in any injury or death
- The accident resulted due to reckless driving
- If the damage is so extensive and the number of vehicles involve warrant a formal report

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##### **501.5.2 CITY/COUNTY VEHICLE INVOLVED**

A traffic crash report shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

##### **501.5.3 INJURED ANIMALS**

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

##### **501.5.4 TRAFFIC CRASHES INVOLVING DIPLOMATIC OR CONSULAR CONTACTS**

When a member of this department investigates or receives a report of a traffic crash in which the operator of any vehicle involved in the crash displays a driver's license issued by the U.S. Department of State (DOS) or the person claims immunity or privilege under 22 USC § 254a through 22 USC § 258a, with respect to the operator's violation of any state traffic law or any local traffic law enacted by any local authority in accordance with Wis. Stat. § 349.06, the department member shall do the following (Wis. Stat. § 346.70(4)(i)):

- (a) As soon as practicable, contact the DOS Office of Foreign Missions (OFM) Diplomatic Security Command Center, Diplomatic Motor Vehicle Office to verify the status and immunity, if any, of the driver claiming diplomatic immunity.
- (b) Within 10 days after the date of the crash, forward a copy of the crash report to the DOS OFM Diplomatic Motor Vehicle Office.

#### **501.6 INVESTIGATION**

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

##### **501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

The Patrol Lieutenant or on-duty Shift Commander should request that the Wisconsin State Patrol or other outside law enforcement agency investigate and complete a traffic crash investigation

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when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Neenah Police Department and involves:

- (a) An on- or off-duty member of the Department.
  - 1. The involved member shall complete the department traffic crash form. If the member is unable to complete the form, the supervisor shall complete it.
- (b) An on- or off-duty official or employee of the City of Neenah Police Department.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

#### **501.7 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should issue a municipal citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### **501.8 HAZARDOUS MATERIALS**

As a result of vehicle crashes members may encounter materials they deem to be hazardous to themselves or to the environment. This may include vehicles transporting hazardous materials or a vehicle leaking gas following a crash.

If an Officer or Community Service Aide determines a hazardous material leak has occurred, Fire Department support should be requested.

In case of danger of fire from leaking or ruptured gas tanks or where there is any major crash of two or more vehicles where there is any sign of hazardous materials having been transported, such as HAZMAT Placards, Fire Department support should be requested.

#### **501.9 REPORTS**

Department members shall utilize the written or automated report forms approved by WisDOT as required for the reporting of traffic crashes. All such reports shall be forwarded to the Patrol Lieutenant for approval and filing.

##### **501.9.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

If the modification is to add a fatality, a Wisconsin Motor Vehicle Fatal Accident Supplement Form shall be completed and a Transaction Information for the Management of Enforcement (TIME)

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administrative message sent to Motor Vehicle Fatality Reporting. A fatality is any injury received in a traffic crash that results in death within 30 days of the crash.

#### 501.9.2 TRAFFICBUREAUMANAGER RESPONSIBILITIES

The responsibilities of the Patrol Lieutenant include but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic crash information and statistics are forwarded to the Patrol Division Commander or other persons as required.
- (b) Forwarding the original written or automated format WisDOT report form for all reportable accidents to WisDOT within 10 days of the date of the crash (Wis. Stat. § 346.70(4)(a)).
- (c) Forwarding a copy of the WisDOT report form to the governing body where the crash occurred (Wis. Stat. § 346.70(4)(h)).
- (d) Review and analysis of traffic crash data to determine selective enforcement activities.
- (e) Traffic direction and control procedures.
- (f) Traffic crash and reporting procedures that include, at a minimum, protocol for the following crash conditions:
  - 1. Death or injury
  - 2. Hit and run
  - 3. Property damage only
  - 4. Damage to public vehicles or property
  - 5. Hazardous materials
  - 6. Occurrences on private property

## Vehicle Towing, Inventory and Release

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Neenah Police Department.

### 502.2 TOWS AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for a parking violation, 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 REMOVAL FROM A TRAFFIC CRASH SCENE

When a vehicle has been involved in a traffic crash and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies at the front desk.

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 Dispatch to call a company selected from the rotational list of towing companies. The towing company used should be documented on the accident report and tow log.

#### 502.2.2 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle, subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high-crime area).

Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- Emergency calls for service (not to include a high call volume)
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.



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##### **502.2.3 DRIVING A NON-CITY VEHICLE**

Non-City vehicles should not be driven by police personnel unless given permission by the owner and when 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 Communications Technician shall promptly telephone the specified towing service. The officer shall be advised when the request has been made, the service requested and an approximate time of arrival.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

#### **502.3 TOWING SERVICES**

The City of Neenah maintains a list of towing companies to be used in the following situations:

- (a) The removal of inoperable vehicles from an accident scene.
- (b) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (c) To move a vehicle to the Police Department when it is being held as evidence in connection with an investigation.
- (d) When it is otherwise necessary to remove a motor vehicle. This would include situations involving abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.
  - 1. Unless impounded, all vehicles removed by a towing service shall be the responsibility of the towing service with all costs of towing and storing the responsibility of the vehicle owner and the towing company.
- (e) Arrest of registered owner

##### **502.3.1 TOWING SERVICE ELIGIBILITY**

Towing companies meeting the eligibility requirements and requesting to act as a towing company for the department shall be placed on a rotation list. Additions to this list can be made at anytime during the year. To be eligible to act as a towing service for the Neenah Police department, the following criteria must be met.

- (a) Must provide a 24-hour service.
- (b) Must have storage and office facilities within five mile radius of the City of Neenah. These facilities must be manned during the hours of 8 a.m. and 5 p.m. Monday through Friday. (except holidays)
- (c) Have a maximum response time of 15 minutes or less under normal traffic conditions, during regular business hours. Maximum response time of 20 minutes after hours under normal driving conditions.
- (d) Have the capability to wheel lift, flatbed, or dolly vehicles.

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- (e) Must provide a secure area to store towed vehicles. If the storage area is a leased space, a copy of the lease including terms and dates of the contract shall be filed with the Neenah Police Department
- (f) Shall provide the name and date-of-birth for all drivers to the Neenah Police Department for driving status verification. All vehicle operators must be properly licensed.
- (g) Provide a current copy of company liability insurance to the Neenah Police Department. One million dollar minimum coverage.
- (h) Must have dependable, safe equipment in good working order and all vehicles must be properly licensed.
- (i) Towing services may not subcontract with another towing service to provide primary, backup, or secondary service to the Neenah Police Department.
- (j) Must clean up and dispose of all debris specifically related to vehicle damage.
- (k) Towing services who tow on the rotating list for the City of Neenah shall be provided annually a suggested towing rate based on a survey of towing services in Winnebago County. Included on this rate sheet will be suggested routine towing, resources, service calls, and storage and holiday rates. Such rates for towing and service calls will apply to one call for one hour or less. For these services that require more than one hour, the towing service may charge the same rates in one-quarter increments. Towing services found to be charging in excess of the suggested rates may be removed from the rotating list for a period not to exceed three hundred sixty five days by the Neenah Police Department.
  - 1. 3<sup>rd</sup> violation/yr. 365 day suspension
  - 2. 2<sup>nd</sup> violation/yr. 180 day suspension
  - 3. 1<sup>st</sup> violation/yr. 90 day suspension
- (l) Notification to law enforcement required prior to towing of certain vehicles. The Neenah Police Department shall be notified before towing of any vehicle damaged due to any type of accident.

The Neenah Police Department reserves the right to remove a towing service from the call list if the towing service does not perform to the standards in this policy. Should a towing service violate any of the eligibility requirements, refuse a call, fail to answer call, not respond to a request, or be unavailable to respond in normal conditions, the towing service may be suspended from the call list as outlined below. Circumstances beyond the control of the towing service shall be given consideration by the Department.

- (a) Three or more violations in a 12-month period will result in a suspension.
  - 1. First suspension is for 6 months.
  - 2. Second suspension is for 12 months.
- (b) Violations that cause one suspension, may also be considered for subsequent suspensions.

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- (c) Application for reinstatement may be made 6 months after the suspension or 12 months after the second suspension.
- (d) A third suspension disqualifies the towing service from department use.

#### Neenah Police Department Towing Service Light Duty Rates

- (a) Routine Tow: (Vehicle is under 8,500 lbs. and tow is done with normal tow truck and the vehicle doesn't have to be dollied or flat-bedded)
  - 8 a.m. – 5 p.m. \$75.00 Hourly Rate plus \$2.50 per loaded mile after the first 5 miles.
  - 5 p.m. – 8 a.m. \$85.00 Hourly Rate plus \$2.50 per loaded mile after the first 5 miles.
  - 8 a.m. – 5 p.m. \$20.00 may be charged for every additional 15 minutes beyond the hour.
  - 5 p.m. – 8 a.m. \$20.00 may be charged for every additional 15 minutes beyond the hour.
- (b) Routine Flatbed: (Vehicle is upright and no water to hinder recovery. Hour clock starts from the time the tow leaves their place of business)
  - 8 a.m. – 5 p.m. \$85.00 Hourly Rate plus \$2.50 per loaded mile after the first 5 miles.
  - 5 p.m. – 8 a.m. \$95.00 Hourly Rate plus \$2.50 per loaded mile after the first 5 miles.
  - 8 a.m. – 5 p.m. \$20.00 may be charged for every additional 15 minutes beyond the hour.
  - 5 p.m. – 8 a.m. \$20.00 may be charged for every additional 15 minutes beyond the hour.
- (c) Non-consent tow:
  - An addition charge of \$20.00 may be added to the above rates for non-owner consent tow. (i.e. vehicle is locked, transmission in park or gear, has the emergency brake engaged and the vehicle keys are not present at the time of hook-up. This is not a routine tow.)
- (d) Routine Winch Minimum
  - \$35.00 If vehicle needs additional towing after recovery
  - \$65.00 8 a.m. – 5 p.m. first hour no additional towing
  - \$75.00 5 p.m. – 8 p.m. first hour no additional towing

Recovery charges may vary depending on the severity of the call. Deep water, muddy conditions, vehicles in heavily wooded areas, on private lands, vehicles over 8,600 lbs. and multiple cable hooks are not considered routine.

- (a) Minimum Service Call: (Jump starts, changing tires and vehicle lock-outs)

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- \$35.00 up to \$75.00 (less amount may be charged as applicable)
- (b) Additional charges may arise from the need to use specialized equipment such as dollies.
  - \$35.00 additional equipment
  - \$10.00 clean up charge may be assessed.

#### **502.4 VEHICLE INVENTORY**

Any time the Department takes possession of a vehicle (even if towing due to an OWI arrest and the vehicle will be taken to the towing company's lot), an inventory shall be conducted using a Neenah Police Department Vehicle Inventory and Hold Report. The Vehicle Inventory and Hold Report should be forwarded to Records for filing with the incident report.

- (a) In order to safeguard citizens' property, protect the Police Department personnel from claims of misconduct, and to ensure the safety of officers from potential hazards, officers shall inventory all vehicles (including boats, trailers, mobile homes, etc.) towed by the department.
- (b) This inventory shall encompass the entire vehicle accessible by key including the passenger compartment, glove box, and trunk. All containers, whether locked or unlocked, shall be opened and their contents examined if accessible by key or other means without causing damage. Locked areas or containers that cannot be readily opened without causing damage should be listed as such on the Inventory and Hold Report.
- (c) All property of apparent value or that is potentially hazardous shall be recorded on the Vehicle Inventory and Hold Report and placed in secure storage.
- (d) If impounding a vehicle, the officer responsible for taking custody of the vehicle shall conduct the vehicle inventory as soon as practical following the seizure or shall ensure that an inventory is conducted shortly after the impoundment. Absent extenuating circumstance, the inventory shall be conducted prior to the completion of the officer's shift. If the inventory cannot be done in a reasonable time frame after impounding the car, a search warrant should be considered as it no longer is an inventory and becomes a search.
- (e) The vehicle inventory may be omitted in situations where a search warrant for the vehicle is pursued. In these cases a sweep of the entire vehicle will be made to ensure there is no presence of persons or hazards.

#### **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.

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##### **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, prior to the vehicle being towed.

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)).

##### **502.6.1 COMMAND**

Provisions in this policy fall under the direction of the Professional Staff Captain.

# 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 Neenah 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 FIELD TESTS

The Patrol Lieutenant should identify SFSTs and any approved alternate tests for officers to use when investigating violations of OWI laws.

### 503.3.1 PRELIMINARY BREATH TESTING

An officer who has *probable cause* to believe that a person has committed OWI or where the officer detects any presence of alcohol, a controlled substance or any other drug on a person operating a commercial motor vehicle, may request that the person submit to a preliminary breath test (PBT) (Wis. Stat. § 343.303).

The result of the PBT may be used by the officer in deciding whether to arrest the person and whether to require or request additional chemical testing under Wis. Stat. § 343.305(3).NPD's policy directs that preliminary breath tests only be used to confirm the presence of alcohol once probable cause to arrest a subject has been established or in establishing probable cause for 02 restricted individuals.

A person may refuse to take the PBT (Wis. Stat. § 343.303).

### 503.3.2 ADMINISTRATION OF SFSTs

Officers trained in the proper administration of SFSTs shall use those skills in testing for driver impairment. Officers shall perform testing in accordance with the NHTSA standards and training. The three tests that constitute SFSTs are:

- (a) Horizontal gaze nystagmus (HGN) - This test involves the involuntary jerking of the eyes when responding to gazing to the side. The involuntary jerking becomes more pronounced as the impairment level increases.
- (b) Walk and turn - This test requires the individual to concentrate on more than one thing at a time. The mental tasks include comprehension of verbal instructions and the physical balance and coordination tasks.
- (c) One leg stand - This test is the same type of divided attention task as the walk and turn test.

All three tests are highly reliable when properly administered and interpreted for evaluating an individual's level of impairment.

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##### **503.4 CHEMICAL TESTS**

A person implies consent under Wisconsin law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Wis. Stat. § 343.305):

- (a) The officer has arrested the person for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or any other drug.
- (b) The officer has arrested the person for operating a motor vehicle with a detectable amount of a restricted controlled substance in the person's blood.
- (c) The officer has arrested the person for operating a motor vehicle with a prohibited alcohol concentration.
- (d) The officer has arrested a person under the age of 21 who has any detectable amount of alcohol in his/her system.
- (e) The officer has arrested a person who was operating a commercial motor vehicle while having an alcohol concentration of 0.04 or more.
- (f) The officer has arrested the person for causing injury to another person while OWI or with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance in his/her blood.
- (g) The officer has arrested the person for causing injury to another person while operating a commercial motor vehicle with an alcohol concentration of 0.04 or more.
- (h) The officer has arrested the person for a violation of Wis. Stat. § 940.25 (injury by intoxicated use of a vehicle).
- (i) The officer has arrested the person for a violation of Wis. Stat. § 940.09 (homicide by intoxicated use of vehicle or firearm).
- (j) The person was involved in an accident resulting in substantial bodily harm to any person and the officer detects any presence of alcohol, a controlled substance, a controlled substance analog, or other drug (Wis. Stat. § 343.305(3)(ar)).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

##### **503.4.1 BREATH SAMPLES**

The Professional Staff Captain or designee 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 Professional Staff Captain and an alternate means of testing should be pursued.

The primary means of testing for Forfeiture and Misdemeanor OWI violations at NPD is the Intoximeter EC/IR II.

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Any Officer utilizing the Intoximeter EC/IR II shall be trained and certified in its use in accordance with WI DOT's Chemical Test Section requirements.

Officers should ensure that the video recording system is activated during the required observation time.

#### **503.4.2 BLOOD SAMPLES**

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (Wis. Stat. § 343.305(5)(b)).

Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required. Officers may inform an arrestee that if he/she chooses to provide a blood sample, separate sample can be drawn for alternate testing.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **503.4.3 STATUTORY NOTIFICATIONS**

An officer requesting that a person submit to a chemical test shall read to the person the mandatory statutory warning form provided by Wis. Stat. § 343.305(4) entitled Informing the Accused. Officers shall not expand upon the form.

#### **503.4.4 URINE SAMPLES**

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### **503.5 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Wis. Stat. § 343.305).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.



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##### 503.5.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall serve the person with the notice of intent to revoke the person's operating privilege (Wis. Stat. § 343.305).

The officer shall forward copies of the notice to the appropriate prosecuting attorney, as well as the Wisconsin Department of Transportation (WisDOT), in the manner prescribed by WisDOT. If the person was operating a commercial motor vehicle, the officer shall issue the person a 24-hour out-of-service order (Wis. Stat. § 343.305(9)).

##### 503.5.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist, the person has been arrested for OWI, the officer reasonably believes that a chemical test will reveal evidence of intoxication, and no reasonable objection to the withdrawal has been presented by the arrestee. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

##### 503.5.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable 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 individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

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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 arrestee 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 draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### **503.5.4 OFFICER ACCESS TO ADDITIONAL SAMPLE**

If a person refuses to submit to a chemical test but has had a sample of blood, urine or other bodily substance taken for any reason, the officer may obtain a portion of that sample sufficient for analysis or may request that a sample be available as allowed by law (Wis. Stat. § 905.04(4)(f)).

#### **503.6 ARREST AND INVESTIGATION**

##### **503.6.1 NOTICE OF INTENT TO SUSPEND**

If a chemical test indicates the presence of a controlled substance or a prohibited alcohol concentration, the officer shall complete a Notice of Intent to Suspend and forward the result to WisDOT (Wis. Stat. § 343.305(7)). The person shall be informed that the person's driving privilege will be administratively suspended for six months and that the person has the right to an administrative hearing. The form to request the administrative review shall be provided to the person (Wis. Stat. § 343.305(8)). If the person was operating a commercial motor vehicle, the officer shall also issue the person an out-of-service order.

##### **503.6.2 ARRESTEE RELEASE**

If allowed by the rules of the court, a person arrested for OWI may be released to a responsible adult. The individual to whom the person is released is required to sign an OWI Responsibility Release containing the individual's name and address, and that the individual will be responsible for the person.

A person arrested for OWI who is unable to be released to a responsible adult shall be safely transported to the Department and may not be released until 12 hours have elapsed or until a chemical test administered under Wis. Stat. § 343.305 shows a blood alcohol content of less than 0.04 (Wis. Stat. § 345.24).

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##### **503.6.3 CRASHES**

Officers investigating a person for OWI shall make all reasonable efforts to obtain a chemical sample if the person was involved in a crash that resulted in a fatality or serious physical injury (Wis. Stat. § 343.305(2)).

##### **503.6.4 ARRESTEE TRANSPORTATION CONSIDERATIONS**

During transportation of OWI arrestee's Officers should be especially cognizant of the arrestee's level of consciousness due to the possibility of the arrestee aspirating on their own vomit. In-squad video should be set to the transport compartment during transportation.

In cases of extreme intoxication, such as where an alcohol incapacitation hold may be considered for the arrestee, Gold Cross should be contacted and medical transport considered.

As with any intoxicated person, OWI arrestee's may be unpredictable and officers should remain vigilant while dealing with them.

##### **503.6.5 DRUG RECOGNITION EXPERT (DRE)**

If a DRE is used by the Department, and the PBT results are inconsistent with the individual's level of impairment or there is reason to believe the individual's level of impairment is due in part or fully to the ingestion of illegal drugs, prescription drugs, or any substance other than alcohol, officers shall request a DRE to conduct an evaluation if probable cause exists for an arrest.

#### **503.7 RECORDS SECTION RESPONSIBILITIES**

The Support Services Coordinator will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office and WisDOT (Wis. Stat. § 343.305(7); Wis. Stat. § 343.305(8); Wis. Stat. § 343.305(9)).

##### **503.7.1 TOWING**

Generally, vehicles involved in OWI incidents should be towed per the Vehicle Towing, Inventory and Release policy.

Where there is a sober registered owner of the vehicle on scene, that registered owner may remove the vehicle from the scene when released by the officer.

#### **503.8 TRAINING**

The Professional Standards Lieutenant should ensure that officers participating in the enforcement of OWI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OWI investigations. The Professional Standards Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

##### **503.9 DRUG RECOGNITION EXPERT (DRE)**

The Drug Recognition Expert (DRE) will assist in identifying persons who are operating a motor vehicle under the influence of a drug other than or in addition to, alcohol or may be experiencing a medical impairment. Officers trained in these skills may also be a valuable resource for other

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criminal investigations where the presence of drugs may be an important issue, such as with child neglect, weapons offenses, sexual assault investigations and other investigations as deemed relevant.

##### 503.9.1 DRE CERTIFICATION

Only an officer that has successfully completed the NHTSA Drug Recognition Expert training and maintains a current certification as a DRE with the IACP will be considered an active DRE.

##### 503.9.2 DRE USAGE

The DRE's Drug Influence Evaluation is primarily intended for subjects who's level of impairment is not consistent with their tested alcohol concentration or when there is evidence of ingestion of drugs.

An officer may request a DRE be requested under the following circumstances:

1. When an officer has made an arrest for an OWI-related offense and the alcohol content is not consistent with the level of observed impairment.
2. When an officer is investigating a drug-related offense where evidence of impairment would be beneficial to the investigation.
3. In the event of a crash involving fatalities and/or serious injuries, where there is a suggestion of illicit or prescription drug use

##### 503.9.3 DRE RECORDS PROCEDURES

Each DRE is responsible for maintaining appropriate records related to DRE activities and submitting them to either the Regional or State coordinator as required.

## Traffic Citations/Parking Tickets

### 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 the person's 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 Traffic and Criminal Software (TraCS) program is the primary tool for issuing, loading, and maintaining numerical blocks of electronic traffic and ordinance citations on electronic devices.

The Records Section shall prepare and submit reports as required by the Wisconsin Secretary of Transportation (Wis. Stat. § 345.11(7)(a)).

### 504.3 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 Patrol Supervisor.

### 504.4 CORRECTION OF TRAFFIC CITATIONS

Once a traffic citation has been issued, any corrections should be coordinated with the records section to assure all involved parties are informed of the changes.

### 504.5 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.

### 504.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to state and local laws.

#### 504.6.1 APPEAL STAGES

Parking Ticket disputes are handled through the City Treasurers Office or the Police Department.

- (a) An online appeal should be completed for any disputed parking ticket. This form is located on the City of Neenah website, under the Department tab/Parking Utility/ Appeals.

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- (b) Online appeals received by the Police Department are electronically sent to the Professional Standards Lieutenant or designee who has the authority to dismiss parking tickets.
- (c) The Professional Standards Lieutenant or designee will review the circumstances of the ticket and make an electronic judgment. Appellant will receive an email advising of the decision.
- (d) If the ticket is not dismissed, and the appellant wishes to have the matter considered at municipal court, the Professional Standards Lieutenant or designee will complete the appropriate paperwork for a municipal court hearing.

#### **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 18 years of age this department shall notify the parent, guardian or legal custodian of the violation within seven days (Wis. Stat. § 343.15(5); Wis. Stat. § 938.17(2)(c)).

Generally, for traffic warnings for juveniles under age 18, officers should attempt to contact the parents and advise them of the contact.

## Disabled Vehicles

### **505.1 PURPOSE AND SCOPE**

The Neenah 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 so another officer can be assigned.

Generally, once an officer renders aid to a disabled vehicle, they should remain with the vehicle until it is removed, unless they are dispatched to an emergency or relieved by a different officer or CSO.

## Abandoned Vehicles

### 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 GENERAL GUIDELINES

Vehicles on public roadways or City property for more than 72 hours or on private property for more than 108 hours are suspected of being abandoned in violation of local ordinance (Neenah Municipal Code 16-254(a)). Partially dismantled, non-operating, wrecked, or junked vehicles are not to be left on city streets or highways either (Neenah Municipal Code 16-254(b)).

When a suspected abandoned vehicle has been identified, reasonable attempts should be made by the investigating member to identify and notify the owner of the vehicle.

If contact with the owner is not made, an Abandoned Vehicle sticker should be placed on the vehicle, preferably drivers side window/windshield, and the department member should note the position of the valve stem on a particular tire of the vehicle. This information will be documented in their report. Even if contact is made, follow up will be needed to ensure removal.

If the vehicle has not been removed in the requisite timeframe upon placement of Abandoned Vehicle sticker and chalking for suspected abandoned vehicles or as deemed appropriate for vehicles falling under Neenah Municipal Code 16-254(b), the vehicle can then be towed.

### 506.3 VEHICLE IMPOUND

Any abandoned vehicle qualifying for a tow should be removed by the authorized towing service.

### 506.4 REPORTING REQUIREMENTS

A report shall be completed for any abandoned vehicle towed at the department's direction, which will include the following information:

- Date & Time of tow
- Location vehicle was towed from
- Towing Service and impound location
- Reason for removal of vehicle and any pending citations
- Notification or attempted notification of registered owner(s)

### 506.5 REMOVAL OF ILLEGALLY PARKED VEHICLES

An Officer may cause any vehicle parked in violation of Municipal Code or State law which interferes with the movement of traffic, snow removal or the maintenance of street or City-owned or leased parking lots to be moved to a public parking lot garage or private towing company impound. The cost of moving and storage of the vehicle shall be paid by the owner or operator of such vehicle (Neenah Municipal Code 16-132).



# Traffic Procedures

## 507.1 PURPOSE AND SCOPE

This procedure provides guidance to members in the use of department-approved traffic management methods.

### 507.1.1 DEFINITIONS

Definitions related to this procedure include:

**Approach contact** - A traffic stop that is conducted under circumstances in which the officer is not previously aware of a threat to the officer's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only).

**High-risk contact** - A traffic stop that is conducted under circumstances in which the officer is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous).

**Non-approach contact** - A traffic stop that is conducted under circumstances in which the officer does not feel safe in approaching the violator's vehicle.

## 507.2 UNIFORM ENFORCEMENT FOR SPECIFIED VIOLATIONS

### 507.2.1 SPEED AND OTHER HAZARDOUS VIOLATIONS

The following guidelines pertain to uniform enforcement of speed and other hazardous violations:

Speed violations may be enforced by use of either speed detection devices or pacing using the officer's patrol vehicle.

- Officers using a speed detection device must be certified by the state of Wisconsin in their use.
- Officers pacing the speed of a vehicle shall attempt to pace the vehicle for approximately 1/10th of a mile while maintaining the same speed and distance between the patrol vehicle and the violator's vehicle.

If pacing results in enforcement action, the officer shall test the accuracy of the patrol vehicle's speedometer against a speed detection device immediately after the enforcement action.

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Other hazardous violations that should be vigorously enforced to address the violation, and also to create a public impression of active traffic law enforcement activity that encourages voluntary compliance with all traffic regulations, include but are not limited to offenses involving:

- Disregarding traffic control devices (e.g., stop signs or traffic signals).
- Operating a vehicle under the influence of alcohol and/or drugs.
- Recklessly operating a vehicle.

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- Attempting to elude an officer.

#### 507.2.2 NON-HAZARDOUS VIOLATIONS

Non-hazardous violations should be enforced to address the violation while encouraging voluntary compliance with all traffic regulations, to include but not limited to offenses involving:

- (a) Equipment violations.
- (b) Parking violations.
- (c) Licensing and registration violations.

Officers encountering abandoned or illegally parked vehicles or other roadway hazardous situations shall take immediate action to correct the hazard and/or protect motorists or pedestrians from the hazard.

#### 507.2.3 VEHICLE EQUIPMENT VIOLATIONS

The following guidelines pertain to uniform enforcement of vehicle equipment violations:

- Generally, vehicle equipment violations maybe addressed with a written warning or a 10-day fix it ticket.
- Nothing in the policy prohibits an officer from issuing a uniform traffic citation for an equipment violation.
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#### 507.2.4 MULTIPLE VIOLATIONS

The following guidelines pertain to uniform enforcement of multiple violations:

- Officers have discretion in issuing multiple citations for multiple violations from the same incident.
- Officers encountering incidents involving multiple traffic violations that form an all-inclusive charge should not result in individual charges for each violation when the greater over-all charge is issued. Officers should document the lesser violations on the more serious citation or incident report.
- Officers have discretion in issuing a citation for license and/or registration violations in addition to the original moving violation leading to the traffic stop.

#### 507.2.5 NEWLY ENACTED LAWS AND/OR REGULATIONS

The following guidelines pertain to uniform enforcement of multiple violations:

- Officers should use sound discretion when enforcing newly enacted or amended traffic regulations. Officers may issue warnings for violations for a period of 30 days to allow the motoring public to become familiar with the new law or amendment, unless exceptional circumstances apply.

#### 507.3 TRAFFIC STOPS AND APPROACH TO VIOLATOR'S VEHICLE

The following procedures pertain to stopping and approaching vehicles, to include:

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- (a) Approach contacts.
- (b) Non-approach contacts.
- (c) High-risk contacts.

##### 507.3.1 APPROACH CONTACTS

While every approach contact is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an approach contact include:

- (a) The officer should consider existing conditions including but not limited to road design and conditions, weather, lighting, and current traffic flow, to establish a safe environment for the approach contact.
- (b) The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the patrol vehicle should be positioned in a way that affords protection to the officer and to the violator's vehicle during the approach contact.
- (c) Generally, the violator should be directed to pull to the far-right side of the roadway to stop. However, the officer should be prepared to deal with other situations.
- (d) Upon initiating an approach contact, the officer should notify the communications technician of the location of the stop and the vehicle's registration state and number. The officer should not approach the violator's vehicle until the communications technician has acknowledged the message.
- (e) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat if necessary.
- (f) Upon contacting the violator, the officer should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The officer should request the motorist's documentation.
- (g) The officer should provide the violator with information as to how to respond to the chosen enforcement action, if applicable.
- (h) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.
- (i) The officer should assist the violator in pulling safely back into traffic.

##### 507.3.2 NON-APPROACH CONTACTS

While every non-approach contact is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a non-approach contact include:

- (a) The officer should consider existing conditions including but not limited to road design and conditions, weather, lighting, and current traffic flow, to establish a safe environment for the contact.

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- (b) Upon stopping, the patrol vehicle should be positioned with greater distance between the patrol vehicle and the violator's vehicle to afford additional protection and reaction time to the officer. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior. The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the contact.
- (c) Generally, the violator should be directed to pull to the far-right side of the roadway to stop. However, the officer should be prepared to deal with other situations.
- (d) Upon initiating a non-approach contact, the officer should notify the communications technician of the location of the stop and the vehicle's registration state and number. The officer should not approach the violator's vehicle until the communications technician has acknowledged the message.
- (e) The officer initiating the non-approach contact, or the officer with the best view, should issue verbal commands to direct the driver's actions to exit the vehicle and move to a specific location through the vehicle's public address system, if available.
- (f) In some instances, the officer may direct the driver and/or other occupants to remain in the vehicle until backup arrives and then direct the driver to a specific location.
- (g) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat if necessary.
- (h) Upon contacting the violator, the officer should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The officer should request the motorist's documentation.
- (i) The officer should provide the violator with information as to how to respond to the chosen enforcement action, if applicable.
- (j) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.
- (k) The officer should assist the violator in pulling safely back into traffic.

#### 507.3.3 HIGH-RISK CONTACTS

While every high-risk contact is based on a unique set of circumstances that must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk contact include:

- (a) When planning a high-risk contact, the officer shall notify the communications technician and describe the nature or reason for the contact. The officer shall provide the communications technician with relevant information (e.g., vehicle description, registration number and state, number of occupants, location and direction of travel) and request adequate assistance to conduct the stop.
- (b) An officer should not individually initiate a high-risk contact unless backup officers are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

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- (c) After selecting an appropriate location for the stop and with adequate backup officers in position, the officer should signal the suspect to stop.
- (d) Officers should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.
- (e) The officer initiating the stop, or the officer with the best view, should issue verbal commands through the vehicle's public address system, if available. Only one officer should issue commands to the suspect vehicle's occupants.
- (f) Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover at the rear of the squads.
- (g) Commands should be announced to the suspect vehicle operator to:
  - 1. Lower the window.
  - 2. Remove ignition keys with the vehicle operator's left hand.
  - 3. Drop the keys on the ground/bring back with suspect/place on top of vehicle/place on outside of windshield.
  - 4. Open the door from the outside.
  - 5. Step out of the vehicle.
  - 6. Turn completely around.
  - 7. Face or face away from the officers.
  - 8. Walk back towards officers on the left side, right side or between the lead squad cars until commanded to stop.
  - 9. Officers should have the subject lie face down on the ground with hands stretched far to the sides.
- (h) Using contact and cover, officers should handcuff, search, and secure the suspect. Other occupants should be similarly and separately commanded until all are handcuffed, searched, and secured.
- (i) With appropriate cover, officers should approach and inspect the suspect vehicle for additional occupants and/or threats before declaring the scene secure.

#### **507.4 TRAFFIC DIRECTION AND CONTROL**

##### **507.4.1 MANUAL TRAFFIC DIRECTION**

High-visibility vest should be worn in accordance with the Traffic Function and Responsibility Policy.

Department members assigned or authorized to control traffic should use the following uniform hand gestures to perform manual traffic direction:

- (a) **Stopping traffic:** The member should extend the arm and index finger toward and look directly at the driver to be stopped until that driver is or appears to be aware of the member's gesture. The member should then raise the pointing hand at the wrist so

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that the palm is toward the person to be stopped, and hold the palm in this position until the person stops. To stop traffic from both directions, the member should repeat the procedure for traffic coming from the other direction and continue to maintain the raised arm and palm toward the previously stopped traffic.

- (b) Starting traffic: The member should stand with the member's shoulder and side toward the traffic to be started, extend the arm and index finger toward, and look directly at the driver to be started until that driver is or appears to be aware of the member's gesture. The member should then swing the pointing arm, with palm up, from the elbow through a vertical semicircle until the hand is adjacent to the chin. If necessary, the member should repeat until traffic begins to move. To start traffic from both directions, the member should repeat the procedure for traffic coming from the other direction.
- (c) Right or left turn: The member's extended arm, index finger, and gaze should first be directed toward the driver. The member should then swing the extended arm and index finger in the direction of the driver's intended turn.
- (d) Use of flashlight: A flashlight may be used to stop traffic. To stop traffic, the member should slowly swing the beam of light across the path of oncoming traffic. The beam should strike the pavement as an elongated spot of light. After the driver has stopped, the member should use hand gestures with the vehicle headlights to provide illumination.

The member should stop all traffic and address the dangerous condition with all traffic stopped.

#### 507.4.2 CRASH SCENES

Members should refer to the Traffic Crash Response and Reporting Policy for additional guidance.

Additional guidelines should include as appropriate:

- (a) If a traffic crash results in traffic congestion, a member may request additional assistance, if available, to help with traffic control. Incidents occurring during heavy traffic periods on major streets resulting from a traffic crash and/or adverse road and weather conditions may also require the use or operation of temporary traffic control devices (e.g., barriers, cones, flares, traffic signals).
  - 1. Members should use uniform hand gestures for manual traffic direction to assist in the efficient and safe movement of vehicle and pedestrian traffic.
  - 2. Members should coordinate traffic direction with other members at the scene, if appropriate.
- (b) Traffic may be stopped, rerouted, or restricted as necessary to ensure the safety of members, victims, and uninvolved motorists.

#### 507.4.3 CRITICAL INCIDENT SCENES

- (a) Members providing traffic direction and control at critical incident scenes (e.g., fires, utility emergencies) should prevent unauthorized vehicles and pedestrians from entering the area and provide a safe arrival route for emergency vehicles.

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- (b) The Department should coordinate its efforts with other emergency service agencies at fires, utility emergencies, or other scenes to provide crowd control and adequate safety measures for vehicle and pedestrian traffic.
- (c) Members should use temporary traffic control devices as necessary and should manually direct and control the flow of all traffic in accordance with this procedure.
- (d) Members should contact a supervisor if additional assistance is needed at a location for any reason.

#### 507.4.4 HAZARDOUS ROAD CONDITIONS

Hazardous road conditions due to weather, road damage, or other emergencies should be addressed as soon as practicable.

- (a) A member who locates or is assigned to investigate a hazardous road condition should use temporary traffic control devices if necessary to identify the hazard to the public, isolate it, and limit the public's ability to come into contact with or access the area.
- (b) A member who locates or is assigned to investigate a hazardous condition should assess the condition and request through the police department front desk or that notifications be made to appropriate authorities responsible for correcting the hazard. The comm-tech/communications technician should document the condition and all notifications that are made. The Dispatch can be used if no one is at the front desk.
- (c) If a member needs assistance with isolating a hazard, the member may request additional members to the location.
- (d) If there are any questions regarding the proper isolation of a roadway hazard, members should contact their supervisor.
  - 1. Members should reference applicable Department of Transportation guidelines for setting up safe work zones (e.g., construction, traffic, maintenance, utility operations), if necessary.
  - 2. Members should only use road flares when there is no risk of fire or explosion. Road flares should not be left unattended while burning. Any remnants left after a flare has been exhausted and allowed time to cool should be collected and disposed of properly.
- (e) A member should only clear from the location under one of the following circumstances:
  - 1. The hazardous condition has been corrected.
  - 2. The member is relieved by an appropriate authority who will conduct the repair, and traffic direction and control services are no longer needed.
  - 3. The member is properly relieved by another member.
  - 4. The member is authorized by a supervisor.

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##### **507.4.5 MANUAL OPERATION OF TRAFFIC CONTROL DEVICES**

On occasion, members may have to manually operate traffic lights or set traffic lights to flash. Only authorized members should manually operate traffic control devices with the approval of a supervisor and for the following purposes:

- (a) To correct a traffic light malfunction
- (b) To facilitate movement at traffic crashes or other emergencies
- (c) To provide passage for a motorcade or funeral procession
- (d) To alleviate congestion, particularly during planned special events

##### **507.4.6 TEMPORARY TRAFFIC CONTROL DEVICES**

Temporary traffic control devices (e.g., cones, signs, barricades) should be deployed using the procedures set forth in the most recent edition of the National Manual on Uniform Traffic Control Devices (MUTCD).

#### **507.5 PURSUIT INTERVENTION PROCEDURES**

Pursuit intervention tactics shall be used in accordance with the Use of Force and Vehicle Pursuits policies. Additional procedures are as follows:

- (a) Tire deflation devices
  1. The officer shall deploy the tire deflation device in accordance with manufacturer guidelines and training.
  2. The officer should notify the communications technician of the deployment results immediately after the pursued vehicle contacts or avoids the tire deflation device.
  3. The officer should immediately remove the device from the roadway after all involved vehicles pass the location and it is safe to do so.
  4. The officer should secure the tire deflation device in a department vehicle and conduct a thorough inspection of the tire deflation device when appropriate.
  5. Damaged tire deflation devices should be reported to the appropriate supervisor and replaced as soon as practicable.
- (b) Precision Immobilization Technique (PIT)
  1. Use of the PIT is restricted to those who have received training in its use.
  2. Those officers trained in the use of the PIT shall act in accordance with their training when implementing this tactic.
- (c) Roadblocks
  1. Officers should deploy a roadblock in a location that provides clear visibility to traffic in all directions.
  2. Officers should remove or detour uninvolved vehicles and/or persons from the area.
  3. Officers shall not use privately-owned vehicles in a roadblock.



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4. Officers shall not occupy any vehicle that is being used as part of a roadblock.
5. Officers should activate available emergency lighting and flashers, and may use other means of increasing visibility (e.g., road flares).
6. Emergency medical services (EMS) and fire department personnel should be notified of an established roadblock as soon as practicable.

#### **507.6 ESCORTS**

The following guidelines are for performing law enforcement escort services for dignitaries, convoys, parades, funerals, and oversized vehicles:

- (a) Vehicle escorts may be provided for dignitaries, convoys, parades, funerals, and oversized vehicles at the discretion of the Chief of Police.
- (b) All escorts, regardless of the nature, will meet State of Wisconsin and department regulations.
- (c) Oversized vehicle escorts services should be reviewed by the traffic engineer when required by the State.
- (d) Funeral escorts may be provided by the funeral home, however, special requests for large processions requiring law enforcement aid will be routed to the Shift Commander or the authorized designee for officer assignment.

Special events such as dignitaries, convoys, parades, and all other escort requests shall be handled by the Shift Commander or the authorized designee.

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Neenah Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INVESTIGATIVE PROCEDURES

The Investigative Services Division Commander or the authorized designee shall be responsible for developing, maintaining and reviewing detailed investigative procedures. Such procedures will minimally include:

- (a) Case file management.
- (b) Preliminary and follow-up criminal investigations.
- (c) Vice, narcotics and organized crime investigative and administrative protocols.
- (d) Multi-jurisdictional investigative task force roles and responsibilities.
- (e) Polygraph or other truth-telling device examinations.
- (f) Cold case definition, evaluation criteria and documentation.
- (g) Undercover surveillance, decoy and raid operations.
- (h) Dignitary protection plans.
- (i) Photographic (conventional and digital) and other digital evidence collection.
- (j) Known source evidence collection for physical evidence comparison.
- (k) Forensic laboratory evidence submission.
- (l) Latent fingerprint preservation.
- (m) Interrogations of adults and juveniles.
- (n) On-call schedule to ensure 24-hour availability of investigative personnel.

### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:

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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) are necessary and request assistance as required.
  3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
  4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  5. Collect any evidence.
  6. Take any appropriate law enforcement action.
  7. 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.

#### 600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

#### 600.3.3 FOLLOW-UP INVESTIGATIONS

Follow-up investigations may include, but are not limited to:

- (a) Reviewing and analyzing reports prepared during the preliminary investigation.
- (b) Reviewing available records and databases available.
- (c) Seeking additional information from complainants, witnesses, neighbors, informants, and department members.
- (d) The incident may require contact with the victim(s) and witness(es) by the assigned members to obtain information not uncovered during the preliminary investigation.
- (e) Conducting interviews and interrogations consistent with department standard operating procedures and state law.
- (f) Arranging for the dissemination of information to other department members, as appropriate.
- (g) Making notifications and coordinate with other jurisdictions or governmental law enforcement agencies.
- (h) Completing background checks on witnesses, victims, and suspects, as appropriate.
- (i) Conducting surveillance and identification procedures consistent with department standard operating procedures and state law.

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- (j) Entering investigative alerts, suspect alerts, stolen vehicles, and stolen property (including serial numbers) into NCIC.
- (k) Identifying, collecting, and preserving items of physical evidence.
- (l) Planning, organizing, and conducting searches.
- (m) Submit inventoried items for forensic examination and review the results of laboratory examinations.
- (n) Attend and retrieve evidence at autopsies.
- (o) Presenting evidence and statements to the district attorney's office to obtain arrest and/or search warrants.
- (p) Plan, prepare and execute search and/or arrest warrants.
- (q) Collecting additional evidence.
- (r) Identifying and apprehending suspects and determining the involvement of suspects in other crimes.
- (s) Completing any required reports related to follow-up investigations.
- (t) Preparing cases for court preparation and assisting in the prosecution.
- (u) Continued documentation in P1 RRMS detailing follow-up activity.

#### 600.3.4 VICE, DRUGS, AND ORGANIZED CRIME

Officers receiving viable information about drugs, vice, or organized crime while on patrol, on a call for service, or while conducting any other activity will obtain as much detailed information as possible. Depending on the circumstances, officers may act on the information or forward the information onto the MEG Unit or ISU. Depending on the extent of the information the information can be sent to the ISU or the NPD Officer assigned to the MEG Unit, by any approved method.

The need for specialization in certain investigations is recognized. Should patrol officers encounter matters beyond their expertise, or if investigations that involve drugs, vice, or organized crime are going to be extended in duration, the Shift Commander should be notified to make additional arrangements.

#### 600.3.5 FOLLOW-UP INVESTIGATIONS

An officer assigned a case for follow-up investigation shall when appropriate follow the established procedures, to include:

- (a) Review and analyze the preliminary investigation reports, to include statements, photographs, evidence, inventoried property, and any other information contained in the case file.
- (b) Conduct additional interviews and interrogations in compliance with department policy and laws.
- (c) Gather additional information from officers, victims, witnesses, other agencies, electronic databases, or informants.
- (d) Conduct surveillance consistent with department policy and laws.

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- (e) Disseminate information to other officers and/or agencies.
- (f) Plan, organize, obtain search warrants, and execute searches in accordance with department policy and laws.
- (g) Identify, collect, and preserve any additional evidence.
- (h) Identify and apprehend suspects and determine their involvement in other crimes.
- (i) Prepare supplemental reports and submit them for review and approval in a timely manner.
- (j) Prepare cases for court presentation and assist with prosecution.
- (k) Maintain contact with the principals in the case to indicate that the Department is genuinely concerned about the victim's and other citizens' welfare associated with the case.

#### **600.4 LRMS**

Premiere 1 Records Management System, or P1 RMS, is the department's central platform for maintaining a record of incidents as well as necessary follow-up.

Officers assigned as the Primary Officer for an incident are responsible for management of the incident file, which will be placed in the officers P1 RMS workflow while the incident remains open. That officer will be the primary officer responsible for any required follow-up for the incident that cannot be completed during the initial investigation, unless otherwise directed.

The above database should include information, as applicable, on Addresses, Offense Statutes, Officers involved, People involved, Vehicles involved, Property involved, Businesses involved, Modus Operandi, and Narratives.

All forms and documents in P1 RMS related to case management shall be retained in accordance with existing retention schedules.

##### **600.4.1 DISPOSITIONS**

Once an active incident has been completed, the incident should be marked as completed in P1 RMS, which directs it to the shift commander for review.

The shift commander, upon reviewing the incident, shall determine if additional follow up is needed, returning it to active status to the assigned officer or forward to the records section.

The records section will enter one of the following (but not limited to) administrative designators, or dispositions:

- Active
- Closed
- Closed - Adult Arrest
- Closed - Exceptional
- Closed - DA Declined Prosecution

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- Submitted to CT
- Expunged
- Juv Court
- Referred to Other Agency
- Re-Op
- Submitted
- Unfounded

#### **600.5 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

##### **600.5.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of a person who is suspected of having committed a felony shall be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings (Wis. Stat. § 968.073(1)(a)); Wis. Stat. § 968.073(2)).

- (a) Exceptions to an audio/visual recording of the interrogation include (Wis. Stat. § 972.115(2)(a)):
1. The person refused to respond or cooperate in the interrogation if a recording was being made. The refusal shall be recorded or documented in a written report.
  2. The statement was made in response to a question asked as part of the routine processing.
  3. The statement was made spontaneously and not in response to a question.
  4. The officer in good faith failed to make a recording because the recording equipment did not function, malfunctioned, stopped operating or the officer inadvertently failed to operate the equipment properly.
  5. Exigent public safety circumstances existed that prevented the making of a recording or rendered the making of such a recording infeasible.
  6. The officer conducting the interrogation believed at the commencement of the interrogation that the offense for which the person was taken into custody or for which the person was being investigated was not a felony.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Services Unit supervisor. Copies

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of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### **600.6 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.7 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation, and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available. See the Property and Evidence Policy for additional guidance.



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##### **600.7.1 PROCESSING DIGITAL EVIDENCE**

The Investigative Services Division Commander shall be responsible for developing procedures concerning the collection, processing and preservation of digital evidence (i.e., still cameras, video cameras, cell phones, computers) to include:

- (a) Procedures for secure shutdown of electronics.
- (b) Procedures for property packaging and transportation of electronics.
- (c) Storage of original image or document.
- (d) Protocol for processing digital evidence, to include:
  - 1. Gathering
  - 2. Editing
  - 3. Ensuring authenticity
- (e) Training of personnel to handle digital evidence.

#### **600.8 INVESTIGATION CASE FILE MANAGEMENT**

##### **600.8.1 CASE STATUS AND CONTROL**

The department's records management system contains software that is utilized for case status, assignment, and control. The Investigative Services Unit supervisor or the authorized designee shall be responsible for using the case management program to monitor case development to ensure cases are efficiently brought to its proper conclusion.

##### **600.8.2 ADMINISTRATIVE DESIGNATORS**

An administrative designator will be used for each case, to include:

- (a) A unique incident number assigned to each case when originally reported.
- (b) Officers shall select designators for UCR offense types during the report process, reviewed, amended if necessary, and reported by Records Section.
- (c) Disposition clearance codes are used when the case is concluded. Disposition codes shall follow the UCR guidelines, to include:
  - 1. Cleared by arrest – Arrested, charges filed, and/or case turned over to the court.
  - 2. Committed – 51.15 or 51.45 commitment.
  - 3. Continued – Case is ongoing and has not reached conclusion.
  - 4. Exceptionally cleared – Identity of offender is established, however, some reason outside law enforcement control precludes arrest, charging, or prosecution.
  - 5. Inactive – All investigative leads have been exhausted resulting in the suspension of the case pending new information.
  - 6. Unfounded – Complaint is false or baseless.

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; and Wis. Stat. § 948.095.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Neenah Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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##### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

###### **601.4.1 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

###### **601.4.2 POLYGRAPH EXAMINATIONS**

Victims shall not be asked or required to take a polygraph examination nor shall an officer suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (34 USC § 10451; Wis. Stat. § 968.265).

###### **601.4.3 VICTIM CONFIDENTIALITY**

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

##### **601.5 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Services Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Services Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

##### **601.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.

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#### *Sexual Assault Investigations*

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2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. SART.
  3. Medical and legal aspects of sexual assault investigations.
  4. Serial crimes investigations.
  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
- (c) Techniques for communicating with victims to minimize trauma.

#### **601.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

##### **601.7.1 COLLECTION AND TESTING REQUIREMENTS**

Members investigating sexual assaults or handling related evidence are required to do the following (Wis. Stat. § 165.775):

- (a) Upon notification by a health care professional, take possession of a sexual assault kit within 72 hours
- (b) Send a sexual assault kit to a state crime laboratory within 14 days of its receipt in accordance with the rules established by the Wisconsin Department of Justice
  1. If a member is notified by the victim before the kit is sent to a state crime laboratory that the victim does not want the kit analyzed, the member should send the kit to a state crime laboratory for storage.

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- (c) Notify a state crime laboratory of a victim's delayed report of sexual assault or request to analyze a stored sexual assault kit, and request processing of the kit in their possession (Wis. Admin. Code § JUS 20.04)
- (d) Make the required entries into the Wisconsin Sexual Assault Kit Tracking System when applicable (Wis. Stat. 165.776)

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### **601.7.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A victim advocate should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

#### **601.8 CASE REVIEW**

The Investigative Services Unit supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocate should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

#### **601.9 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigative Services Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

# Informants

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Neenah Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Neenah Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 602.2 POLICY

The Neenah Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 602.3 USE OF INFORMANTS

### 602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 602.3.2 ADDITIONAL REQUIREMENTS

In addition to complying with the requirements in this policy, an officer not currently assigned to the Investigative Services Unit requesting to use an informant should do the following:

- (a) Receive approval from the ISU supervisor for the use of the informant.
- (b) Be trained in the use of informants.

### 602.3.3 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable

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- (d) The Chief of Police or the authorized designee

#### **602.3.4 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### **602.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commanders, ISU supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Neenah Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the ISU supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the ISU supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **602.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **602.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigative Services Unit. The ISU supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commanders, ISU supervisor or their authorized designees. The ISU Supervisor, or their authorized designee, will be responsible for the creation and maintenance of an informant master name file.

The Operations Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the ISU supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.



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##### **602.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Criminal History, current employers, positions, addresses and telephone numbers
- (g) Vehicles owned, registration information, & driving record.
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant & the informant code or number linked to the informant.
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

##### **602.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any 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 value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

The ISU supervisor will discuss the above factors with the Assistant Chief and recommend the type and level of payment subject to approval by the Chief of Police or designee.

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##### 602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from an ISU buy/expense fund.
  - 1. The ISU supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  - 1. The check shall list the case numbers related to and supporting the payment.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - 4. Authorization signatures from the Chief of Police and the Mayor are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Neenah Police Department case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

##### 602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised 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 informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return 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 informant's file.

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##### 602.6.3 AUDIT OF PAYMENTS

The ISU supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every threemonths, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Eyewitness Identification

## 603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Wis. Stat. § 175.50).

### 603.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 603.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Services Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **603.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (Wis. Stat. § 175.50). Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

##### **603.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person is viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

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Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously (Wis. Stat. § 175.50). The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### 603.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

#### **603.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (Wis. Stat. § 175.50).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **603.7 POLICY REVIEW**

At a minimum, the Department will biennially review the Eyewitness Identification Policy. In developing and revising this policy, the Department will consider model policies and policies adopted by other jurisdictions (Wis. Stat. § 175.50).

## Brady Material Disclosure

### 604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information" ) to a prosecuting attorney.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** - Information known or possessed by the Neenah Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 604.2 POLICY

The Neenah 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 Neenah 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.

### 604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

### 604.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:



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- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

#### 604.4.1 LEGAL ADVICE

The Chief of Police should make arrangements for acquiring legal advice through employment of a legal advisor or consultation with the prosecuting attorney, department legal counsel, or other legal advisor for members' routine questions or concerns.

#### 604.5 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.

#### 604.6 BRADY PROCESS

The Chief of Police shall coordinate requests for *Brady* information.. The responsibilities include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
  - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

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#### **604.7 SUBPOENA PROCESSING**

The Winnebago County District Attorney's Office is provided a list of all Brady information.

## Warrant Service

### **605.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### **605.2 POLICY**

It is the policy of the Neenah Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### **605.3 SWAT TEAM COMMANDER**

The SWAT Team Commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The SWAT Team Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### **605.4 SEARCH WARRANTS**

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the SWAT Team Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

[See attachment: Risk Assessment Form Oct22.pdf](#)

### **605.5 ARREST WARRANTS**

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the SWAT Team Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the SWAT Team Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

#### **605.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for a warrant based on testimony (Wis. Stat. § 968.12), nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

Also see [Neenah PD Policy Manual: 311.3.2 WARRANT EXECUTION](#)

#### **605.7 HIGH-RISK WARRANT SERVICE**

The SWAT Team Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.
- (j) Warrant execution time and date should be based on credible intelligence and proper surveillance that will best accomplish the mission of the operations plan.

#### **605.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service (Wis. Stat. § 968.16), including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

#### **605.9 ACTIONS AFTER WARRANT SERVICE**

The member who applied for the search warrant shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the court clerk identified on the warrant as soon as reasonably possible but no later than 48 hours after execution of the warrant, excluding holidays and weekends (Wis. Stat. § 968.17). Also see [Neenah PD Policy Manual: 311.3.3 WARRANT RETURN](#)

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##### **605.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The SWAT Team Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following (see the Outside Agency Assistance Policy):

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the SWAT Team Commander. The Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Neenah Police Department are utilized appropriately. Any concerns regarding the requested use of Neenah Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the SWAT Team Commander is unavailable, the Shift Commander should assume this role.

If officers intend to serve a warrant outside Neenah Police Department jurisdiction, the SWAT Team Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Neenah Police Department when assisting outside agencies or serving a warrant outside Neenah Police Department jurisdiction.

##### **605.11 TRAINING**

The Professional Standards Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Unmanned Aerial System

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Wis. Stat. § 175.55).

## 606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of the UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving the UAS including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

#### **606.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

A UAS may generally be used (Wis. Stat. § 175.55):

- (a) In a public place.
- (b) To assist in an active search and rescue operation.



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- (c) To locate an escaped prisoner.
- (d) To surveil a place or location for the purpose of executing an arrest warrant.
- (e) When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence.

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

#### **606.8 TRAINING**

All department members authorized to operate or access the UAS shall receive appropriate training. With this in mind, periodic in-service training will be conducted to allow approved operators to keep operations skills current. The Program Coordinator shall maintain documentation of the training and usage of the UAVs.

#### **606.9 MAINTENANCE**

Appointed operators will perform basic maintenance and safety checks on UAVs, as taught during training. Maintenance and repairs that are beyond the operator's training or ability will be conducted by authorized personnel.

City owned/operated UAVs will be maintained in flight-ready conditions.

# Operations Planning and Deconfliction

## 607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 607.2 POLICY

It is the policy of the Neenah Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 607.3 SWAT TEAM COMMANDER

The SWAT Team Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The SWAT Team Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The SWAT Team Commander will also have the responsibility for coordinating operations that are categorized as high risk.

## 607.4 RISK ASSESSMENT

### 607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation shall complete a risk assessment form. This policy is not intended to address routine operations and arrests by patrol officers.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer and/or the Crime Analyst should also submit information to these resources.

The officer and/or the Crime Analyst should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

[See attachment: Risk Assessment Form Oct22.pdf](#)

#### 607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor, the SWAT Team Commander and members of the command staff.

The supervisor and SWAT Team Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 607.4.3 HIGH-RISK OPERATIONS

If the SWAT Team Commander, after consultation with the involved supervisor, determines that the operation is high risk, the SWAT Team Commander should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. SWAT Team (SWAT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel

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6. Persons trained in negotiation
  7. Additional surveillance
  8. Canines
  9. Evidence Room or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

#### **607.4.4 NO KNOCK WARRANTS**

The use of No Knock Search warrants creates an added risk to department members and the public. The use of a no knock warrant must be authorized by a judge and written into the warrant. The Chief of Police (or designee of the Command Staff) shall review and approve the warrant before it is served.

#### **607.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

While Neenah PD does not participate in a formal event deconfliction system, The officer who is the operations lead shall ensure notification of the pending operation to appropriate agencies to ensure there are no conflicts.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **607.6 OPERATIONS PLAN**

The SWAT Team Commander should ensure that a written operations plan is developed for all high-risk operations. Operational Lead Officers should ensure a written operations plan is developed for any operation that a risk assessment was completed. All operational plans should be reviewed by the Shift Supervisor, SWAT Commander, Assistant Chief and the Chief of Police.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:

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1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
  3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
  5. Vehicles associated with the location or subject of investigation.
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers and marked law enforcement vehicles should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

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##### **607.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

##### **607.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation or for any written operations plan, to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Use of force options and limitations, knock and announce rules and items to be seized should be identified at the briefing.
- (c) The SWAT Team Commander shall ensure that all participants are visually identifiable as law enforcement officers for high risk operations. Operational Leads shall ensure that all participants are visually identifiable as law enforcement officers for all other operations.
  - (a) Exceptions may be made by the SWAT Team Commander for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - (a) It is the responsibility of the SWAT Team Commander to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location for high risk operations. Operational Leads will perform this task for all other operation plans.
  - (b) If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

##### **607.8 SWAT PARTICIPATION**

If the SWAT Team Commander determines that SWAT participation is appropriate, the SWAT Team Commander and the SWAT Team Leader shall work together to develop a written plan.

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The SWAT Team Leader shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT Team Leader shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **607.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy. If a Search Warrant is being served, refer to the Search Warrant Policy for specific prohibitions.

#### **607.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

#### **607.11 TRAINING**

The Professional Standards Lieutenant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

# CRIMINAL INTELLIGENCE

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Neenah Police Department with an understanding of criminal intelligence and information sharing process.

## 608.2 FUNCTION

- (a) The goal of the intelligence function of the Neenah Police Department is to collect and process information related to specific problems. These problems may include organized criminal activities, drug activities, vice activities, civil disorder, or other criminal activities.
- (b) It is generally the function of the ISU Lieutenant or his designee to analyze data that has been collected where it relates to crime. Intelligence information that is collected will be limited to criminal conduct and activities that present a threat to the community.
- (c) It is the responsibility of the ISU Lieutenant or his designee to direct the intelligence information to the area(s) of the Agency that can best investigate and address the issue.

## 608.3 DISSEMINATION OF GATHERED INFORMATION

During instances where a pattern of criminal activity develops, it is important that Officers receive the information in a timely manner. The gathered information should be disseminated to the necessary Officers in one or more of the following ways:

- (a) Verbally (briefing, etc.)
- (b) E-mail
- (c) Digitally stored files
- (d) Voice Mail

Intelligence information is, unless otherwise marked, considered for Law Enforcement Use Only and should generally not be disseminated outside of Law Enforcement channels.

## 608.4 REPORT QUALITY

Supervisors reviewing reports are a vital link in the information process described above. Supervisors must screen all reports for accuracy, time frames of offenses, and method of operation. Supervisors must also ensure that all phases of investigations are completed or get passed on to the proper Officer for assignment and completion.

## 608.5 INTELLIGENCE FILES

- (a) Intelligence Files maintained by the Agency are to be done so in a manner that separates them from other standard agency records.
- (b) Criminal Intelligence files may be stored internally on the shared drive and/or through an external intelligence system designed for this purpose.



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- (c) Intelligence information will be updated/purged when new information supersedes previously gathered intelligence information, or when such files are deemed outdated.

## **Chapter 7 - Equipment**

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

#### 700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
  - 1. A supervisor receiving such a report shall conduct an investigation to address whether reasonable care was taken to prevent the loss, damage or unserviceable condition and direct that information to the appropriate division commander.
- (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 authorized by a supervisor, 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 authorization.

### 700.3 USE OF PERSONAL PROPERTY

The carrying of personal law enforcement specific equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Division Commander. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use.

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##### 700.3.1 DEFINITIONS

**Personal property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

##### 700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made to the appropriate division commander. The commander may require a separate written report of the loss or damage.

The commander receiving such a report shall make an appropriate investigation whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review, finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or their designee, who will then forward the claim to the finance department.

This policy will not supersede the details outlined in any collective bargaining agreement.

##### 700.4 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.
- (c) Whenever practicable, photographs of the damage should be taken.

## 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 or funded 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 (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets 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, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 701.2 POLICY

The Neenah Police Department allows members to utilize department-issued or funded 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, members 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 member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, 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.

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##### **701.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (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 member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members 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, except under unusual circumstances when no other options are available.
- (f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with all telephone access numbers of the device.

##### **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). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Members 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) Members will not access social networking sites for any purpose that is not official department business, except during authorized break times.

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- (e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 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, members who are operating vehicles that are not equipped with lights and siren 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.

#### **701.8 OFFICIAL USE**

Members 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, members shall conduct sensitive or private communications on a land-based or other department communications network.

##### **701.8.1 CITY OF NEENAH SAFE CELL PHONE POLICY**

City of Neenah Safe Cell Phone Use Policy

# 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. A servicerequest form shall be promptly completed by the employee who becomes aware of the defective condition. Electronic service request form, describing the correction needed, shall be promptly forwarded to the Fleet Maintenance Specialist. The Fleet Maintenance Specialist will be responsible for monitoring all service requests and coordinating the repairs.

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 REMOVAL OF WEAPONS

All firearms shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair at a non-city facility.

## 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties. These items will be listed on the Squad Checklist and servicability should be checked during each shift.

### 702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of each shift and ensure that the equipment on the squad checklist is in the vehicle and in servicable condition.

## 702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving department vehicles shall not place a vehicle in service that has less than one-half 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 an authorized location.

## 702.5 CLEANING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.



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Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

##### 702.5.1 MONTHLY CLEANINGS AND INSPECTIONS

On approximately the 15th of every month, each department vehicle with an assigned squad checklist will be cleaned and inventoried, and a monthly checklist will be filled out for the vehicle. The assigned supervisor for each of these vehicles will inspect the vehicle before signing off on the monthly checklist.

# 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 Neenah to provide assigned take-home vehicles.

## 703.2 POLICY

The Neenah 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 should 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 should 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) should annotate their use of the vehicle on the vehicle tracking board. Use of marked patrol vehicles for purposes other than patrol should be cleared with a supervisor to prevent a marked vehicle shortage on patrol.

Use of assigned ISU vehicles by those not assigned to them should be confirmed with a supervisor or ISU staff.

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 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

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When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.3.4 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) should log onto the MDC with the required information when going on-duty in a patrol, or patrol related capacity (ex. Grant work). If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### 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. If the member finds that the system is not functioning properly at any time during the shift, he/she should submit a vehicle service request.

#### 703.3.6 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 an authorized Ride Along.

#### 703.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### 703.3.8 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 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.

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##### **703.4 ASSIGNED VEHICLE AGREEMENT**

To be assigned a take-home vehicle, the member must live within a 30-mile radius of the City, unless a longer distance is approved by the Division Commander. Approval of the agreement by the Division Commander shall indicate an approved exception to this requirement. To be approved for an assigned vehicle by their Division Commander, a member shall sign an agreement to be assigned a take-home vehicle in the form of Exhibit A, attached hereto. Once the member is approved for and is assigned a vehicle, the following provisions shall apply to the use of such take-home vehicle:

- (a) Take-home vehicle may be used to commute to the workplace and for department related business. Member may also use the vehicle for "*de minimis*" personal use, which is defined as a personal errand conducted between the home and workplace on a duty day. As an example, this would include the transporting of family members of the employee to and from school or day-care while driving to or from work.
- (b) The member will take the vehicle to all scheduled maintenance appointments or make arrangement for the vehicle to be available for such appointments through the Fleet Maintenance Manager.
- (c) While at a members residence, if the vehicle is not secured inside a locked garage, all unsecured firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence per [Neenah PD Policy Manual: 306.5.2 STORAGE AT HOME](#).
- (d) When the members will be away (e.g, on vacation) for periods exceeding one week the vehicle shall be stored at a department facility.
- (e) The department reserves the right to suspend the privilege of a take-home vehicle for cause.
- (f) The department reserves the right to suspend the privilege of a take-home vehicle when the member is placed on light duty.
- (g) All department identification, portable radios and equipment shall be secured.
- (h) While operating an agency vehicle in the jurisdiction of the Neenah Police Department, member shall monitor the police radio. This applies to members who are both on-duty and off-duty.
- (i) When a situation arises where it becomes necessary for a member driving a take-home vehicle to engage in active law enforcement activities outside of their shift (beyond monitoring the radio), such member shall be paid for any time spent on such work in excess of 30 minutes. Other times spend off-duty in the squad (e.g., during their normal commute to and from work) shall remain not compensated.
- (j) Member will not permit unauthorized person to operate their assigned vehicle, except that licensed and insured family members may move the assigned vehicle in and out of the driveway or garage of the member's residence.
- (k) Non-department members may ride as passengers in the take-home vehicle when it is operated off-duty as provided above. The City's auto insurance carrier shall cover the vehicle and all occupants of same for all approved use of the take-home vehicle

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as provided above. Members assigned to the take-home vehicle are responsible for the actions of all passengers.

- (l) Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address such questions regarding tax consequences with their tax advisor.
- (m) The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time. Permission to use a take-home vehicle may be withdrawn as provided above.
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See attachment: [Exhibit A- Neenah Police Department Take-Home Vehicle Agreement.pdf](#)

#### 703.4.1 SAFETY PRECAUTIONS

1. All members of the Neenah Police Department shall comply with the requirements of Wisconsin State Statute 347.48 on safety belts and child safety restraint systems. If unable, alternate arrangements should be made for transport.
2. When an agency vehicle is left parked and unattended, the driver will close the windows, remove the keys, and lock the doors. Exception: Vehicles transporting law enforcement canines are exempt from this requirement.
3. Any theft of equipment (including personal equipment) or any damage to any agency vehicle shall be immediately reported to an on-duty supervisor. A follow-up investigation shall be made in accordance with established department procedures. The Member will also report this theft or damage to the proper law enforcement jurisdiction.
4. Unless secured by an agency installed locking device, firearms and laptops will be removed from the occupant compartments of agency vehicles when employees are off-duty and not operating them.

#### 703.4.2 OFF-DUTY POLICE ENFORCEMENT ACTIVITIES

1. Generally, any off-duty police enforcement activities should be undertaken in a manner consistent with policy 334, Off-Duty Actions. In the event that the provisions of said policy conflict with the guidance here provided for members' off-duty activities while using take home vehicles, the provisions of this section 703.4.2 shall control.
2. The employee is to notify the Winnebago County Sheriff's Office communications center or the proper jurisdiction's communications center, whenever the member

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performs a police activity while in an off-duty status. Members should also relay to the communications center if they are not wearing a body camera if they are assigned one.

3. Members who are operating their take-home vehicles while off-duty may take necessary police action for all observed serious criminal violations, traffic safety hazards, and flagrant or dangerous traffic violations within jurisdiction. Additionally, members may stop at traffic crashes, stalled cars, or when being flagged down by a citizen. Employees should be cognizant of the negative public image of the department and the resulting adverse affect upon the take-home vehicle program, which will result if members fail to stop and assist citizens in need while operating a marked police vehicle. In such cases, the member may be compensated for any contact lasting more than 30 minutes. The officer will be compensated at a rate of time and one half for the time spent on the incident by the off-duty officer.
4. When responding to calls/incidents while off-duty, the member may be required by an on-duty supervisor to handle the call to best preserve and handle evidence and maintain continuity. If possible, the off-duty member should be relieved by on-duty personnel. However, the off-duty member is required to assume full responsibility for the situation until duly relieved by on-duty personnel. The off-duty member is responsible for completion of all appropriate paperwork, unless receiving authorization from a supervisor to hold the paperwork upon returning to duty.
5. When an off-duty member is summoned to work for an active incident, the member shall follow policy [Neenah PD Policy Manual: 308.4.1 EMERGENCY RESPONSE SPECIAL CONDITIONS](#)
6. In all cases, the off-duty member should summon on-duty personnel to handle the call and stand by for assistance until relieved by the on-duty members. However, if the problem or situation can be resolved immediately and on-the-spot, the off-duty member is to handle the call.

#### **703.5 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **703.6 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

#### **703.7 SPECIAL PURPOSE VEHICLES**

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##### 703.7.1 ISU CRIME SCENE VEHICLE

###### Authorization, conditions, and limitations for use

The ISU Crime Scene Vehicle:

- Is intended for use for any crime scene at the discretion of ISU personnel where they may require additional investigative resources.
- Should be maintained in a neat and orderly fashion, commensurate with the investigative purpose of the vehicle.
- may be utilized as a community relations vehicle with permission from the ISU Supervisor or authorized designee.

###### Authorized Operators

No additional training requirements are required for the operation of the ISU Crime Scene Vehicle.

###### Vehicle Equipment

ISU Crime Scene Vehicle equipment is to be maintained by the Investigator assigned as the primary operator and should maintain an Inventory of required items.

###### Special Purpose Vehicle Assignment

The ISU Supervisor shall assign an Investigator as the Primary ISU Crime Scene Vehicle operator who will be responsible for the condition and maintenance of the vehicle.

##### 703.7.2 CAIMAN

###### Authorization, conditions, and limitations for use

The Caiman Armored Vehicle

- The usage of this vehicle must be authorized by either the Chief of Police, Assistant Chief or the Professional Staff Captain for the following situations:
  - Critical Incidents
  - Natural or Man Made Disasters
  - Community Events/Relations

###### Authorized Operators

Authorized Caiman operators will be designated by the SWAT Commander or designee.

Authorized Caiman Operators and are required to complete training conducted by a Master Caiman Operator which includes both instructional and hands on elements.

Refresher training for Authorized Caiman Operators will be required at an interval determined by a Master Caiman Operator.

###### **Exception to Authorized Operators**

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In the event of a high-risk call, where the presence of, and availability of an armored vehicle would be beneficial, an officer with only basic familiarization with the armored vehicle (not the complete training from the Master Caiman Operator) may drive the vehicle to the scene. As soon as practicable, an authorized Caiman operator should be called to the scene to take over operation of the armored vehicle.

#### Vehicle Equipment

The Caiman equipment will be maintained by the Master Caiman Operator and/or SWAT Team members, depending on their equipment assignments.

#### Special Purpose Vehicle Assignment

The SWAT Commander shall assign a Master Caiman Operator(s) who will be responsible for the overall maintenance and mission readiness of the vehicle as well as overseeing and conducting the training program for authorized operators.

The NPD SWAT Team may augment Caiman's maintenance schedule with monthly maintenance checks.

#### 703.7.3 CANINE VEHICLE

See Canine Policy

#### 703.7.4 POLICE BICYCLES

See Bicycle Patrol Policy

#### 703.7.5 COMMUNITY SERVICE AIDE VEHICLE

##### Authorization, conditions, and limitations for use

The CSA Vehicle:

- Is intended for use by CSA's for the regular course of their duties.
- May be used by other NPD Staff when it may be advantageous or required.
- May be utilized as a community relations vehicle as needed.

##### Authorized Operators

No additional training requirements are required for the operation of the CSA Vehicle.

#### Vehicle Equipment

The CSA equipment will be maintained by CSA's, overseen by the CSA Supervisor or designee.

#### Special Purpose Vehicle Assignment

The CSA Vehicle will be maintained by the fleet manager or designee.

#### 703.7.6 PARKING VEHICLE

##### Authorization, conditions, and limitations for use



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##### The Parking Vehicle:

- Is intended for use by CSA's for parking enforcement duties.
- May be used by other NPD Staff when it may be advantageous or required.
- May be utilized as a community relations vehicle as needed.

#### Authorized Operators

No additional training requirements are required for the operation of the Parking Vehicle.

#### Vehicle Equipment

The parking vehicle equipment will be maintained by CSA's, overseen by the CSA Supervisor or designee.

#### Special Purpose Vehicle Assignment

The Parking Vehicle will be maintained by the fleet manager or designee.

#### **703.7.7 CODE ENFORCEMENT VEHICLE**

##### Authorization, conditions, and limitations for use

##### The Code Enforcement Vehicle:

- Is intended for use by the Code Enforcement officer for code enforcement duties.
- May be used by other NPD Staff when it may be advantageous or required.
- May be utilized as a community relations vehicle as needed.

#### Authorized Operators

No additional training requirements are required for the operation of the Code Enforcement Vehicle.

#### Vehicle Equipment

The code enforcement vehicle equipment will be maintained by Code Enforcement Officer, overseen by the Professional Staff Captain or designee.

#### Special Purpose Vehicle Assignment

The Code Enforcement Vehicle will be maintained by the fleet manager or designee.

#### **703.8 UTILITY-TERRAIN VEHICLE**

See Utility-Terrain Vehicle Policy

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.2 POLICY

It is the policy of the Neenah Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 704.3 CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the cash fund.

Each cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

#### 704.3.1 AUTHORIZED CASH HANDLERS

The fund manager shall establish a listing of authorized department members or positions responsible for disbursing or accepting cash.

### 704.4 INFORMANT PAYMENTS

The ISU Supervisor shall be responsible for maintaining the informant payment funds. See Informants Policy for additional details regarding informant payments and the payment process.

The ISU Supervisor shall maintain a balance sheet, ledger, or other system that identifies starting and ending balances and transactions to include credits, debits, and adjustments to the informant payment fund.

Documentation for cash received for this fund as well as records for payments shall be kept.

The ISU Supervisor shall be responsible for disbursing or accepting cash to and from the informant payment fund to informants or the paying officer.

The ISU Supervisor will maintain a quarterly accounting summary of all informant fund cash activities.

### 704.5 ROUTINE CASH HANDLING

Members who handle cash as part of their duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

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#### *Cash Handling, Security and Management*

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##### **704.6 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling duties shall, as soon as reasonably practicable, verify the amount, summon another member to verify their accounting, and process the cash as safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash received in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

##### **704.7 CASH HANDLING REPORTING**

While the Neenah Police Department cash handling activities related to petty cash or informant cash is limited, all cash activities will be tracked and recorded in such a way as to allow for prompt summarizing on a quarterly basis.

##### **704.8 CASH TRANSACTIONS**

Each employee handling cash transaction, excluding informant or petty cash funds, will sign into the automated system for documentation purposes. Transactions should include the filing of an appropriate receipt, invoice, or cash transfer form. Transactions that are not documented by a receipt, invoice, or cash transfer form require an expense report.

##### **704.9 CASH AUDITS**

The fund manager shall perform a quarterly accounting audit summary of all cash activities. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate cash audit and involve a command staff member.

A separate audit of each cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

##### **704.10 EXCEEDING EXPENSE LIMITS**

Expenditures in excess of the amount determined by the Department require the approval of the Chief of Police or the authorized designee.

## Purchase Orders

### **706.1 POLICY**

The purpose of this policy is to guide department personnel in the use of Purchase Orders for the City of Neenah program and provide a general description of the purchase orders database. Any City policy supercedes this policy.

### **706.2 GENERAL DESCRIPTION OF THE PURCHASE ORDERS DATABASE**

The Purchase Orders database is designed to handle the online approval routing for purchase orders. The system also handles automatic transferring of the encumbrance information into the AS/400 HTE General Ledger System.

Built-in security allows only pre-determined people to edit specific information. Every City employee has the security to create a form. However only specified personnel can read or edit the information.

A key feature is that of automatic electronic signatures stamping. An electronic signature is when the application determines who the user (with the editor authority) is, and stamps their user name on that section. The signature applies only to the section and is generated when the document is saved. This replaces a hand-written signature.

The Purchase Order form has several "sections." Each section has its own security, meaning only people who have the authority to edit that section are able to edit any of the sections content. Only those people with authority to edit can have their electronic signature attached to that section

Department Heads will have "editor" access to the Purchase Order System. This means that they may create, read, and change anyone's documents. People who need access to the Purchase Order System (as specified by each Department Head) have "Author" access, which means they can create and read documents, but only edit their own documents. All other employees have no access to the system.

### **706.3 APPROVAL REQUIREMENTS FOR PURCHASES**

The following details the levels of approval necessary for purchasing of budgeted capital equipment items (excluding Library and Water);

Dollar Amount

Up to \$2,500 - Department Head

\$2,500-\$10,000 - Department Head, Finance Director, & Mayor

\$10,000 and up - Department Head, Finance Director, Mayor, Committee of Jurisdiction, and Common Council

## **Chapter 8 - Support Services**

# Property and Evidence

## 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

### 800.1.1 EVIDENCE ROOM SECURITY

The Evidence Custodian shall maintain secure storage and control of all property necessitating custody by the Department. The Evidence Custodian reports to the ISU Lieutenant and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the Evidence Custodian, the Assistant Evidence Custodian and the ISU Lieutenant. Evidence Room keys shall be secured and not loaned to anyone.

Any individual entering the Evidence Room other than an Evidence Custodian must be accompanied by the Evidence Custodian, the Assistant Evidence Custodian or the ISU Lieutenant.

The Evidence Room shall maintain additional physical security or physical barriers to properly secure high value, sensitive, or high-risk property, such as currency, jewelry, narcotics, firearms, or biohazards.

## 800.2 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

## 800.3 EVIDENCE COLLECTION

### 800.3.1 TRAINING

The department will provide or authorize training regarding the detection, collection, preservation and documentation of physical, DNA, and computer/electronic evidence in conformity to established laws and department guidelines. Specialized training will be provided for Evidence Technicians, Investigators, and other personnel as determined by department needs. Updated training will be provided as necessary.

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##### 800.3.2 EVIDENCE COLLECTION

Investigators and evidence technicians shall ensure that all evidence is safeguarded, photographed, measured, diagrammed and collected as needed. The procedures shall conform to established laws and department guidelines. Investigators and evidence technicians are responsible for maintaining the integrity of the crime scene(s) until the initial investigation is completed and are responsible for ensuring that the following tasks have been completed, when applicable to the investigation. In the absence of an investigator or an evidence technician, police officers investigating a crime scene shall be responsible for the same tasks.

- When arriving at a scene, investigators shall liaison with the initial responding officer, or officer in charge of the scene, and obtain the preliminary information. They shall then ensure that the appropriate perimeter has been established and evidence is properly protected.
- A limited walk-through of the crime scene shall be completed to determine the scope of the investigation. In an investigation where biological evidence may be present, all unnecessary personnel shall remain outside the inner perimeter, to avoid contamination of the scene.
- At all crime scenes, only those persons necessary to the investigation shall enter the inner perimeter. An evidence log or entrance/exit log should be kept.
- Patrol officers, investigators and evidence technicians, may be required to wear protective clothing, to include gloves, foot coverings, protective suits and head coverings, to prevent cross contamination of evidence. The facts of the case and type of evidence to be collected will determine whether protective clothing is needed.\*When investigating a death, the Officer, evidence technician or Investigator shall take note of the location, position, condition and description of the body. Take note of injuries or trauma to the body and the presence of any weapons or contraband on or near the body.
- The coroner's office shall be notified for all death investigations and will be provided with all relevant information. Papers and other items found on the body shall generally be taken and inventoried for any suspicious death.
- Prior to moving and collecting any evidence, the investigator or evidence technician shall note the location, position and description of items and shall take reasonable steps to ensure that a diagram can be created if needed. Measurements shall be taken for all major crime scenes.
- The crime scene and corresponding evidence shall be photographed prior to collection.
- Photographs shall include overall, and close-up views of all evidence. Scales shall be used when photographing evidence such as blood spatter, tool marks, footprints and tire impressions. When appropriate, the crime scene may be video recorded.
- The investigator or evidence technician shall examine the scene for the presence of biological evidence such as blood, hair, semen, etc. and shall cause the items to be collected in the manner consistent with current protocol established by the ISU.

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- The scope of the crime scene processing is dictated by the seriousness of the crime and the resources available; however, every reasonable effort shall be made to recover evidence such as clothing, fibers, tools, weapons, casings and bullets. Items that may have been handled by suspect(s) shall be examined for the presence of fingerprints and when appropriate, those items shall be swabbed for DNA analysis.

Reference the WI Department of Justice Physical Evidence Handbook for additional information

#### 800.3.3 PHOTOGRAPHIC EVIDENCE

If appropriate, crime scene and corresponding evidence shall be photographed prior to collection.

Individuals trained in a department approved manner should be the primary photographers if available.

Photographs should include overall, mid-range, and close-up views of all evidence. Scales shall be used when photographing evidence such as blood spatter, tool marks, footwear and tire impressions.

- Close Up: Photo taken within six to twelve inches of person/object to depict details of the person/object.
- Mid-Range: Photo taken of entire person/object to depict the overall view of person/object for identification purposes.
- Overall Scene: Photo taken of a scene from multiple vantage points to depict spatial relationship of persons/objects within a scene

Document all photographs when appropriate.

Video's of crime scenes should be taken, when appropriate, in order to more fully document the incident and any evidence.

Review of Images at the scene

- Digital images shall be reviewed prior to leaving the scene. In the event the images do not adequately depict the necessary detail, are blurred or are otherwise of poor quality, the images shall be retaken. No images shall be deleted from the camera.

Original images shall be transferred in an unaltered state to suitable media. All images shall be stored and maintained by the ISU.

#### 800.3.4 FINGERPRINT PROCESSING

Latent print processing is intended to develop hidden, invisible fingerprint impressions, or friction ridge detail (FRD). This processing is intended to establish an individualized forensic linkage or exclusion between suspects, victims, witnesses, and physical evidence through the collection and examination of latent fingerprint evidence. These duties shall be performed by trained personnel, in conformity to established laws, and department guidelines.

Fingerprints shall be processed, developed, lifted, labeled, and stored in a manner consistent with basic and specialized training and in accordance with the Department of Justice Physical Evidence Handbook, which is available on the Shared Drive and WILENET



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##### 800.3.5 DNA AND BIOLOGICAL MATERIALS

DNA processing is intended to collect visible or trace biological samples. This processing is intended to establish an individualized forensic linkage or exclusion between suspects, victims, witnesses, and physical evidence through the collection and examination of various forms of biological material, including but not limited to, blood, sweat, saliva, semen, and other biological materials. These duties shall be performed by trained personnel, in conformity to established laws and department guidelines.

It is imperative that members, especially first responders, closely examine all scenes and pertinent items for the presence of biological evidence. Members should take care to protect against destruction and/or contamination of biological materials.

DNA Evidence shall be collected, transported, and stored in a manner consistent with basic and specialized training and in accordance with the Department of Justice Physical Evidence Handbook, which is available on the Shared Drive and WILENET.

An item taken for DNA analysis that does not require refrigeration or contain obvious/apparent biological material shall be packaged and sealed separately in paper bags or envelopes. Plastic shall not be used.

##### 800.3.6 COMPUTER/ELECTRONIC EVIDENCE

Digital evidence is evidence which is contained within any form of magnetic or electronic media, which can include, but is not limited to, hard drives, USB drives, compact discs (CD), digital versatile discs (DVD), floppy disks, Zip disks, flash memory cards, magnetic tape, secure digital (SD) cards, digital cameras, cellular phones, global positioning systems (GPS), digital audio recorders, personal data assistants (PDA), etc. Members shall use caution when they seize electronic devices as improperly accessing data stored on electronic devices may violate federal and/or state laws. In addition to the legal ramifications of improperly accessing data that is stored on a computer, members must understand that computer data and other digital evidence are fragile and easily altered. Only properly trained members shall attempt to examine and analyze digital evidence. Members shall contact the ISU for assistance if they have questions or concerns related to the recovery of any computer / electronic evidence.

First responding Officer considerations:

- Ensure that the condition of any electronic device is not altered.
- Leave a computer or electronic device off if it is already turned off.
- Photograph computer screen taken as necessary if a computer is already on. However, members shall not attempt to access any computer files if the computer is on.
- Collect all power supplies and adapters associated with any electronic devices seized.
- Document the scene prior to securing electronic evidence and have photographs taken as necessary.

Collection of Computer/Electronic Evidence Considerations:

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- Ensure all digital evidence is documented and photographed (if necessary) before it is packaged and inventoried.
- Package all digital evidence in paper bags, envelopes, cardboard boxes, or antistatic containers.
- Ensure all digital evidence is packaged in a manner that will prevent it from being bent, scratched, or otherwise deformed.

#### Transportation Considerations:

- Avoid keeping digital evidence in a squad car for prolonged periods of time. Heat, cold, and humidity can damage or destroy digital evidence.
- Ensure computers and electronic evidence is packaged and secured during transportation to prevent damage.

Electronic evidence requiring analysis shall forward requests to the ISU for processing or in order to determine any additional required submissions to the Wisconsin Crime Lab or other processing agencies.

All computer components, peripherals, or other electronic evidence that is necessary to support a criminal case in court shall be seized.

#### Storage

- Electronic evidence storage will be directed by the ISU Lieutenant or authorized designee.
- Non-physical electronic evidence will be maintained in the police department servers or any external proprietary server utilized by the department (i.e. Axon body cam videos).
- Retention of electronic evidence will be determined by department evidence and records protocols.

#### **800.4 PROPERTY HANDLING**

Any employee who comes into possession of any property with a value of more than 20 dollars shall retain such property in his/her possession until it is turned over to the rightful owner or properly tagged and placed in the designated property entry locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Reasonable attempts to find the owner of property shall be made along with attempts to notify any owner.

Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for entry into the evidence system. Documentation must be completed to detail the release of property not

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entered into the evidence system. The owner shall sign the release form acknowledging receipt of the item.

All property/evidence that is temporarily or permanently released from storage should be done so in accordance with property control procedures.

#### 800.4.1 PROPERTY BOOKING PROCEDURE

All property must be entered prior to the employee going off-duty, unless circumstances prohibit and other arrangements are made with the Shift Supervisor. Employees entering property shall observe the following guidelines:

- (a) Complete the BEAST entry information describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) Items should be individually and properly packaged, labeled and the package marked with initials, date, time and case number. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored. Large items that do not need processing can just be tagged and placed in an entry locker.
- (c) The evidence entry form shall be submitted with the incident report.
- (d) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in the secure area of the garage or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.
- (e) If property cannot be entered before the employee goes off duty, it shall be secured in a designated temporary evidence storage until it can be entered.
- (f) Corresponding reports should include item descriptions, relevance, and how the property came into the agency's possession.

#### 800.4.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property entry and envelope. Drug paraphernalia shall also be booked separately.

Special precautions should be observed while testing any unknown substance.

- Use of gloves when testing or handling controlled substances.
- Presence of two officers(or department members) when testing any substance with one member standing in the doorway to evidence processing room in visual contact with tester.
- Narcan is located outside the evidence processing area in the event of an accidental exposure to an opioid.
- Additional safety precautions as desired or directed.

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##### 800.4.3 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. When commercial Fireworks need to be retained for evidentiary purposes, an evidence custodian should be consulted for storage and processing.

##### 800.4.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain biological samples, should be properly labeled as such.
- (b) Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.
- (c) License plates found not to be stolen or connected with a known crime should be destroyed.
- (d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Custodian or placed in the bicycle storage area until a Evidence Custodian can log the property. The original property form should be submitted with the report with a copy being placed in the bicycle folder.
- (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. Similar accountability practices should be observed for valuable jewelry.
- (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.
- (h) Firearms:
  - 1. Firearms should be unloaded safely. Officer unfamiliar with a particular firearms should generally defer to those who are or educate themselves on an unfamiliar firearm before handling.
  - 2. Firearms should be packaged in appropriate evidence containers as appropriate.

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3. Firearms with the serial numbers removed or obliterated shall be safely processed either by staff or the Wisconsin Department of Justice State Crime Laboratory to determine the prior owner or origin of the item.

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.

#### **800.5 PACKAGING OF PROPERTY**

All property should be packaged in compliance with Wisconsin Department of Justice Physical Evidence Handbook guidelines or standards set by this department.

Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards
- (h) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery

##### **800.5.1 PACKAGING CONTAINER**

Employees 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.

##### **800.5.2 PACKAGING CONTROLLED SUBSTANCES**

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in an evidence entry locker, unless chain of custody is maintained and documented as it is transferred to another officer for processing. 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. If there are no formal charges, a presumptive test is not necessary.

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Controlled substances shall be packaged in a narcotics envelope. The officer shall initial the sealed envelope and seal it with evidence tape. 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.

#### **800.5.3 RIGHT OF REFUSAL**

The Evidence Custodian has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Evidence Custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer and his or her supervisor.

#### **800.6 RECORDING OF PROPERTY**

The Evidence Custodian receiving custody of evidence or property shall create a property control file for each piece of property received. The property control file will be the permanent record of the property in the Evidence Room. The Evidence Custodian will record his/her name, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items assigned by the BEAST system. This number shall be recorded on the property tag and the property control file.

Any changes in the location of property held by the Neenah Police Department shall be noted in the BEAST system.

#### **800.7 PROPERTY CONTROL**

Each time the Evidence Custodian receives property or releases property to another person, he/she shall enter this information into the BEAST system. Officers desiring property for court shall contact an Evidence Custodian.

##### **800.7.1 SECURITY AND ACCESS**

In-custody property and evidence will be maintained in a secured and dedicated evidence area under control of the police department with appropriate security measures taken to ensure limited access.

Access to the secured evidence area will be limited to the Evidence Custodian, ISU Lieutenant and specifically authorized users in order to ensure the integrity of all property and to maintain the chain of custody of evidence.

The evidence processing area's locker system ensures that storage of property or evidence is available 24-hours a day and the temporary storage lockers are available for temporary storage.

##### **800.7.2 RESPONSIBILITIES OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry is made into the BEAST system to maintain the chain of custody.

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Request for analysis of items other than controlled substances shall be completed by contacting an Evidence Custodian. This request can be made anytime after entry of the property or evidence.

#### 800.7.3 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Evidence going to the Crime lab should be checked out of the BEAST system indicating the date and time.

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) Additional documentation for specific submissions (DNA, Sexual Assault, Etc) are completed.

Evidence transmittal to the Crime Lab shall be completed only by authorized and trained personnel.

The Wisconsin State Crime Laboratory-Madison is the primary crime lab for NPD. Any outside crime lab shall be used at the direction and authorization of the ISU Lieutenant or authorized designee.

Reports received from the Crime Lab shall be entered into P1 RMS under the associated report number.

#### 800.7.4 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the BEAST system, stating the date, time and to whom it was released.

The Evidence Custodian shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded in the BEAST system.

#### 800.7.5 AUTHORITY TO RELEASE PROPERTY

The Investigative Services Lieutenant or authorized designee shall maintain the authority for the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, an Evidence Custodian shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.

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- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

#### 800.7.6 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 released to the victim within 10 days of being taken unless it is being held for evidence or it constitutes weapons or contraband (Wis. Stat. § 950.04(1v)(s)).

Evidence that is being released to the owner prior to case disposition must be photographed prior to release.

Property should only be released by an Evidence Custodian after proper documentation in the BEAST system.

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 Evidence Custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder. A signature of the person receiving the property shall be recorded in the BEAST system.

Upon release or other form of disposal, the proper entry shall be documented in the BEAST system.

#### 800.7.7 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.



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##### **800.7.8 CONTROL OF CONTROLLED SUBSTANCES**

The Evidence Custodian is 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).

Destruction of controlled substances will be coordinated by the Evidence Custodian in the presence of at least one other officer or the controlled substances will be turned over to the Department of Criminal Investigation or the Drug Enforcement Administration.

##### **800.7.9 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m).

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

#### **800.8 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)).

Upon any release or sale of any property, the proper notation shall be made in the BEAST system. Proceeds from the sale of unclaimed property shall be forwarded to the City Finance Department.

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). Seized money deemed to be contraband shall be forwarded to the Board of Commissioner of Public Lands.

Unclaimed money that meets this definition will be turned over to the Winnebago County Treasurer (Wis. Stat. § 59.66)

##### **800.8.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment

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- 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

At the direction of the Neenah-Menasha Municipal Court, drug paraphernalia collected for municipal ordinance violations may be destroyed after being photographed. The subsequent destruction shall be documented thorough video recording and, if available, a witness.

Found Property that is not claimed by an owner within 90 days may be returned to the finder as outlined in Wis. Stat. § 170.07.

City employees acting within the scope of their employment are not entitled as a finder unless the value of the property is less than \$25.

#### 800.8.2 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Custodian shall ensure that no biological evidence collected in a criminal investigation that resulted in a conviction, delinquency adjudication, or commitment under Wis. Stat. § 971.17 or Wis. Stat. § 980.06 held by the Department is destroyed prior to the discharge date of every person convicted, adjudicated, or committed unless (Wis. Stat. § 968.205):

- (a) The Evidence Custodian notifies by certified mail each person who remains in custody and their attorney of record or the state public defender of the intent to destroy the biological evidence unless a motion for testing of the evidence is filed or a written request for the retention of the evidence is received by the Department within 90 days of receipt of the notice.
- (b) No person notified files a motion for testing of the evidence or submits a written request for retention of the evidence within 90 days of receipt of the notice.
- (c) No other provision of law requires the Department to retain the evidence.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Command supervisor, and the evidence retained until the discharge date of the person making the request unless the court orders destruction or transfer of the evidence or further order of the court (Wis. Stat. § 968.205).

#### 800.8.3 RETENTION OF SEXUAL ASSAULT KITS

After a state crime laboratory processes a sexual assault kit and returns it to the Department's possession, the Department shall securely store the kit for a period of 50 years, until the expiration

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of the statute of limitations, or until the end of the convicted offender's term of imprisonment or probation, whichever period is longer (Wis. Stat. § 165.775; Wis. Admin. Code § JUS 20.05).

#### **800.9 INSPECTIONS OF THE EVIDENCE ROOM**

The Department requires that periodic and event-specific inspections, audits, and inventories be completed, and results documented and forwarded to the Chief of Police. Such inspections, audits, and inventories shall include but are not limited to:

- (a) The Investigative Services Command supervisor, or the authorized designee who oversees the Evidence Custodian that performs the property and evidence control function, conducts semi-annual inspections intended to assess compliance with policies and procedures governing property and evidence management and control. Inspections must be conducted independent of any other required inspections or audits.
- (b) An annual audit of the property and evidence conducted by a supervisor not directly associated with the property control function. The audit must be conducted independent of other required audits or inspections. Its focus should be on high-risk items (e.g., currency, drugs, jewelry, firearms) but may be expanded to include other items. To ensure the integrity of the system and accountability for all property and evidence, the audit should incorporate a one-tailed test of statistical significance to test accuracy within a 95% degree of confidence and a plus/minus error rate of 4%.
- (c) Random, unannounced inspections and/or audits are conducted at the discretion of the Chief of Police. At least one random inspection and/or audit shall occur annually. In the event of a random audit, the size of the sample to be audited will be determined by the Chief of Police.
- (d) A comprehensive audit of property and evidence whenever the primary Evidence Custodian responsible for property and evidence control is replaced for any reason. The audit should be conducted jointly by the new Evidence Custodian and a person designated by the Chief of Police. To ensure the integrity of the system and accountability for all property and evidence, the audit should incorporate a two-tailed test of statistical significance to test the accuracy within a 95% degree of confidence and a plus/minus error rate of 4%. An error rate that exceeds 5% of the sample size will require a full inventory of all high-risk property and evidence.

For the purposes of this policy, inspection means, to examine the property/evidence function for the purpose of determining whether policies and procedures are being followed. An inspection can include tracing a few items of property/evidence to verify they are stored in the proper location. An audit refers the selection of a random sample of items of property/evidence to determine whether they can be properly accounted for. This process enables the auditor to draw conclusions about the integrity of the entire inventory of property/evidence. An inventory means a complete listing or record of every item of property/evidence the agency has in its custody or every item within a particular category, such as high risk items

#### **800.10 EVIDENCE HANDLING**

Some types of evidence require additional considerations when processing.

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##### 800.10.1 DNA EVIDENCE PROCEDURE

Members should be mindful of certain precautions and responsibilities to potential sources of DNA evidence before entering any crime scene. Upon entering any crime scene, officers should:

- (a) Wear protective clothing, gloves, masks or face shields, and glasses, as appropriate.
- (b) Refrain from handling any items without wearing gloves.
  - 1. Gloves should be changed after handling each item.
  - 2. Double glove if desired. Members may change only top gloves after each item collected.
- (c) Avoid touching any areas where DNA evidence may exist.
- (d) Avoid talking, coughing, or sneezing on or near DNA evidence.
- (e) Recognize possible DNA sources, protect evidence, and maintain a record of persons entering the scene.

DNA evidence shall be collected, transported, and stored in accordance with the Physical Evidence Handbook guidelines.

##### 800.10.2 COMPUTER/DIGITAL EVIDENCE PROCEDURE

Members should conduct an initial assessment of the scene as part of their precautions and responsibilities to determine if computers and/or digital evidence will be part of the investigation. It may be necessary to gather information from the complainant or witnesses in order to assist in determining the value of the digital evidence.

If it is determined that the investigation will consist of computers and/or digital evidence, members shall ensure proper legal authority has been established for seizing and/or examining the devices before collecting, preserving, transporting, and storing should occur. Members should not overlook the availability of owner consent to seize or to search the computer and/or digital devices. The owner's consent should be accompanied by a signed Consent to Search form that specifies the items to be searched and content to be examined.

Collection, preservation, transportation, and storage of computers and/or digital evidence should be done in a manner that best preserves the integrity of the evidence. In most circumstances, members should avoid obtaining stored information from computers and/or digital devices at the investigation scene.

Extraction and analysis of digital evidence data should be completed only by specially trained digital evidence examiners. Computers and other digital devices may be submitted to the Wisconsin State Crime Laboratory or other law enforcement processing agencies that have examination capabilities and qualifications. Members shall follow the specific laboratory submission guidelines.

Digital evidence examiners shall receive initial certification training, with periodic training to maintain proficiency, certifications, and enhancement of skills.

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##### **800.10.3 FINGERPRINT EVIDENCE AND PROCESSING PROCEDURE**

Wisconsin Department of Justice Physical Evidence Handbook guidelines should be observed when processing fingerprints (i.e., preserving, developing, collecting/lifting, labeling, packaging) as evidence.

When members discover fingerprint evidence, photographs should be taken before any processing. The processing of fingerprint evidence should be conducted by a member trained in fingerprint processing techniques, or the item should be submitted to the Wisconsin State Crime Laboratory for processing (especially for violent felonies and/or major crimes).

If the item is reasonably portable or removable from the scene, the member should collect, preserve, and package the item while protecting the integrity of the fingerprint evidence. The member should submit the collected fingerprint evidence to the evidence custodian designating the item for fingerprint processing by a trained member. Members making a fingerprint lift should place the evidence on the fingerprint lift card and immediately label it with identifying information before packaging, to include:

- (a) Case number.
- (b) Date collected.
- (c) Description of the item the lift was collected from.
- (d) Name of the individual making lift.
- (e) A small sketch of the item on the back of the lift card with a mark orientating the location of the lift for future reference and court documentation.

Members should consider and determine whether the item will also be subject to DNA evidence processing. In that case, the item shall first be designated for DNA evidence processing before any attempt at processing fingerprints. The item should be submitted to the Crime Laboratory for processing.

If the fingerprint evidence is found on a non-portable item or surface, it should be collected, lifted, and packaged by a member trained in fingerprint processing.

##### **800.11 PRESCRIPTION DRUG DISPOSAL PROGRAM**

The Department operates a prescription drug disposal program for collection, storage, and disposal of unused or expired prescription medications to reduce potential public health and safety concerns.

The Department shall place authorized secure disposal receptacles in the lobby clearly marked regarding their purpose, along with any restrictions or prohibitions, including warning not to place sharps (e.g., needles, syringes, lancets), liquids, or nuclear medicines inside the receptacles. All disposal receptacles should be under video surveillance and be designed to not be easily moved.

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##### 800.11.1 STORAGE PROCEDURES

Only the Evidence Custodian or the authorized designee should have access to the disposal receptacles. The Evidence Custodian will oversee the program and ensure that drug disposal receptacles are checked and emptied on a regular basis.

The member removing items from the drug disposal receptacle will process and package the items as follows:

- (a) Place contents in a leak-proof plastic bag before placing the plastic bag inside a cardboard container, and immediately seal the container with tape for storage.
- (b) Sign and date over the tape seal of the container.
- (c) Weigh the container.
- (d) Secure the container within the property room until disposal and destruction.
- (e) Complete the necessary documentation for the submission of abandoned property to the Evidence Room, including a notation of the container's weight.

##### 800.11.2 DISPOSAL PROCEDURES

The Evidence Custodian will dispose of the prescription drugs in accordance with the State of Wisconsin's Drug Take Back program guidelines or a method approved by the Chief of Police.

## Records Section

### 801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Neenah Police Department Records Section. The policy addresses department file access and internal requests for case reports.

### 801.2 POLICY

It is the policy of the Neenah Police Department to maintain department records securely, professionally and efficiently.

### 801.3 RESPONSIBILITIES

#### 801.3.1 SUPPORT SERVICES RESPONSIBILITIES

The Chief of Police shall appoint and delegate certain responsibilities to a Support Services Coordinator. The Support Services Coordinator shall be directly responsible to the Administration Division Commander or the authorized designee. The responsibilities of the Support Services Coordinator include, but are not limited to:

- Overseeing the efficient and effective operation of the Records Section.
- Scheduling and maintaining Records Section time records.
- Supervising, training and evaluating Records Section staff.
- Maintaining and updating a Records Section procedure manual.
- Ensuring compliance with established policies and procedures.
- Supervising the access, use and release of protected information (see the Protected Information Policy).
- Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
  - Homicides
  - Cases involving department members or public officials
  - Any case where restricted access is prudent

#### 801.3.2 RECORDS SECTION RESPONSIBILITIES

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

- (a) Maintaining a records management system for case reports.
  1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.
- (b) Entering case report information into the records management system.
  1. Modification of case reports shall only be made when authorized by a supervisor.

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- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Forwarding reports of suspected prescription drug law violations, opioid-related drug overdoses, narcotic-related deaths or controlled substance prescription thefts to the Wisconsin prescription drug monitoring program pursuant to Wis. Stat. § 961.37.

If a law enforcement agency determines that submitting any information under par. (g) would interfere with an active criminal investigation, the law enforcement agency may postpone the action until the investigation concludes.

#### **801.3.3 RECORDS SECTION PROCEDURE MANUAL**

The Support Services Coordinator should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.
- (f) Assigning identification numbers and maintaining criminal history files for each person arrested.

#### **801.3.4 WARRANTS**

The Support Services Coordinator should establish procedures that address:

- (a) Entry of locally generated information in agency files, as well as regional, state, and federal information systems.
- (b) Receipt and entry of warrant information from other jurisdictions.
- (c) Verification of Warrant Information.
- (d) Cancellation of Warrant information.
- (e) 24-hour access to NPD's warrant and wanted persons information.

#### **801.4 FILE ACCESS AND SECURITY**

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a



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secure area within the Police Department, accessible only by authorized members, and available to operations personnel at all times.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

#### **801.4.1 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Support Services Coordinator. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

#### **801.5 TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS**

No later than 24 hours after being notified by a court that a restraining order or injunction regarding domestic abuse, child abuse or at-risk individuals has been issued, extended, modified or vacated, the Support Services Coordinator shall ensure the information is entered into the appropriate databases and is available to other law enforcement agencies (Wis. Stat. § 813.12; Wis. Stat. § 813.1285).

# Records Maintenance and Release

## 802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Legal custodian of records** - The person designated by the Department as the legal custodian of records to fulfill all duties required by law, if no designation is made the legal custodian of records shall be the Chief of Police (Wis. Stat. § 19.21; Wis. Stat. § 19.33).

**LRMS** - Law Records Management System; the records management system utilized by NPD and all other agencies in Winnebago County.

**Public records** - Records that are not classified, restricted, confidential or private, and may be released by law, upon request.

**Record** - Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by or is being kept by an authority (Wis. Stat. § 19.32).

**Record subject** - An individual about whom personally identifiable information is contained in a record (Wis. Stat. § 19.32).

**TraCs** - Traffic and Criminal Software (TraCS) is a computer program for issuing and tracking citations; Wisconsin's version of TraCS is Badger TraCs.

## 802.2 POLICY

The Neenah Police Department is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39).

### 802.2.1 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 restrictions consistent with Wisconsin Public Records Law.

## 802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:

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1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department command responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
- (g) Ensuring the prominent display of information regarding the department's public records policy, including the procedure to request information, the established times and places to make requests or obtain copies of records, and the costs (Wis. Stat. § 19.34).
- (h) Ensuring juvenile records are distinguished from adult records and stored separately, and release is limited in accordance with state statute
- (i) Establishing any required procedures for the collection, retention, storage, and release of juvenile fingerprints, photographs, and other methods of identification.
- (j) Establishing procedures for the destruction of both adult and juvenile records, when appropriate and in accordance with established retention schedules.

#### **802.3.1 JUVENILE RECORDS**

§ 48.396 and § 938.396, Wis. Stats., require records of juveniles to be kept separate from records of adults. The records system will distinguish between adult and juvenile criminal records to prevent unauthorized access to and release of juvenile records. For those records that are maintained in file folders, the Records Bureau personnel shall ensure that the printed reports have JUVENILE printed on them, as flagged by the records management system (RMS). Digital records, including those in the department's Record Management System (RMS) shall be flagged as containing "juvenile" information.

The records systems for fingerprints, photographs, and other methods of identification will distinguish between adult and juvenile entries and entries in the digital records of these shall be flagged as containing "juvenile" information.

Only authorized users may gain access to this information and any release of information shall be in accordance with policy.

#### **802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

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##### 802.4.1 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).

All requests from criminal defendants and his/her authorized representatives, including attorneys, shall be referred to the District Attorney, City Attorney or the courts.

##### 802.4.2 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist (Wis. Stat. § 19.35(1)(L).
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).
- (d) If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified in writing of the delay.

##### 802.4.3 NOTICE REQUIREMENTS IN LIMITED CIRCUMSTANCES

If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Department shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)).

Within five days after receipt of notice by the Department, an individual may provide written notification of his/her intent to seek a court order restraining the Department from providing access to the requested record (Wis. Stat. § 19.356(3)).

Within 10 days after receipt of a notice by the Department, an individual may commence an action seeking a court order to restrain the Department from providing access to the requested record (Wis. Stat. § 19.356(4)).

The Department shall not provide access to the requested record within 12 days of sending a notice to an individual pertaining to that record. In addition, if the individual commences a court

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action, the Department shall not provide access to the requested record during pendency of the action. The Department shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the Department receives written notice from the individual that an appeal or petition for review will not be filed, whichever occurs first (Wis. Stat. § 19.356(5)).

#### **802.4.4 DENIALS**

The denial of a request for records is subject to the following:

Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney's Office. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney's Office regarding the denial of access to any records. Any denial of access made by a custodian without such consultation and statement is not considered a response from the City. (City of Neenah Code of Ordinances 2-115(f)(2))

If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

#### **802.4.5 RECORDS DESTRUCTION**

No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied.

If the Department receives written notice that an action relating to a record has been commenced in court, the record may not be destroyed until after the order of the court is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record, and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted (Wis. Stat. § 19.35(5)).

It is the general practice for NPD to maintain official records for at least 7 years unless required to maintain them longer in accordance with § 19.21.

Evidence retention and destruction procedures differ from records procedures.

#### **802.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic crash reports, are restricted except

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as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).

- (b) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).
- (c) Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)):
  - 1. Endangering an individual's life or safety.
  - 2. Identifying a confidential informant (Wis. Stat. § 19.36(8)).
  - 3. Endangering security, including that of the staff or population of a detention facility.
- (d) Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am)).
- (e) Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)2m).
- (f) Crime victim and witness information (Wis. Stat. § 950.04).
- (g) Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).
- (h) Search warrants until they have been executed (Wis. Stat. § 968.21).
- (i) Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).
- (j) Information in employee personnel records (Wis. Stat. § 19.36(10)).
- (k) Patient health care records (Wis. Stat. § 146.82).
- (l) Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.

#### **802.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **802.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

#### **802.8 SECURITY BREACHES**

Members who become aware that any Neenah Police Department system containing personal information may have been breached should notify the Professional Staff Captain as soon as practicable.

The Professional Staff Captain shall ensure the required notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 1,000 individuals, notice of the timing, distribution and content of the notices shall also be given to each consumer reporting agency (Wis. Stat. § 134.98).

Notice shall be given within a reasonable time, not to exceed 45 days, after the Neenah Police Department discovers the breach. Notice may be delayed if notification will impede an investigation or homeland security (Wis. Stat. § 134.98).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (Wis. Stat. § 134.98):

- (a) Social Security number
- (b) Driver's license number or Wisconsin identification card number
- (c) Full account number, credit or debit card number or any required security code, access code or password that would permit access to an individual's financial account
- (d) The individual's DNA profile (as defined by Wis. Stat. § 939.74), or the individual's biometric data, including fingerprint, voice print, retina or iris image or any other unique physical representation

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Professional Staff Captain should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **802.9 TRAFFIC CITATION RECORDS MAINTENANCE**

The Neenah Police Department utilizes Badger TraCS for Traffic Citations.

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The TraCS Administrator requests a block of citation numbers be assigned to NPD from the Wisconsin DOT as needed.

- Each NPD Computer which is utilized to issue citations is issued a smaller block of citations to utilize.
- When a computer has a designated quantity remaining, it automatically gets issued more from the master block.
- Citation numbers are entered into LRMS/P1 by the records section

Badger TraCS Software and LRMS/P1 are utilized to track blocks of citation forms assigned to electronic devices, account for all citations, and storage of citations.

Only authorized users are able to access Badger TraCS and LRMS/P1 and there are varying levels to the access depending on the user.

An electronic copy of all issued citations are stored electronically on City of Neenah servers through TraCS.



## Protected Information

### 803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Neenah Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

#### 803.1.1 DEFINITIONS

**Protected information** - Any information or data that is collected, stored or accessed by members of the Neenah 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.

### 803.2 POLICY

Members of the Neenah Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 803.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use and security of protected information (TIME System Coordinator).

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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- (g) Reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **803.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Neenah 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. Officers should not run their own names or their spouse's names for training purposes.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Professional Staff Captain for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records 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.

#### **803.6 SECURITY OF PROTECTED INFORMATION**

All employees are expected to ensure the security of protected information.

##### **803.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended

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table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **803.6.2 DESTRUCTION OF CHRI**

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding in compliance with the organization's records retention schedule.

Each member shall be responsible for properly destroying the CHRI documents he/she receives.

#### **803.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

# Communications

## 804.1 PURPOSE

The purpose of this policy is to ensure the proper and efficient use of communications processes, systems, computers, radios, and telephones.

## 804.2 DEFINITIONS

**Assignment/Call** - A Verbal or written directive emanating from a dispatcher or supervisory officer to a department member to respond to or perform a specific task.

**Computer Aided Dispatch (CAD)** - The computer system utilized for the dispatching of squads and tracking of assignments and calls for service.

**Calls for Service** - Any calls which request service (criminal or non-criminal) received through Winnebago County 911 or non-emergency, Neenah non-emergency, or other sources that require physical police response.

**Call Sign** - Badge number assigned to the agency Member with agency designator preceding number.

**Incident Number** - The unique number assigned in the CAD system to an assignment which WISO Dispatch uses to track the incident, separate from the Report Number

**Report Number** - The unique number assigned in the CAD system to an assignment which has been entered utilized by the assigned agency: (YY-#####, ex 17-001234) and which the agency utilizes for reporting purposes.

**WISO** - Winnebago County Sheriff's Office

**WCC** - Winnebago Communications Center

**10-33 Traffic** - Emergency radio traffic only on a primary radio channel.

## 804.3 ACCOUNTABILITY AND RESPONSIBILITY

The Winnebago County Sheriff's Office Communications Center provides dispatch services for all law enforcement agencies within Winnebago County Except for the University of Wisconsin - Oshkosh Police Department and is responsible for the infrastructure utilized in communications. The Winnebago County Sheriff's Office is a WILEAG accredited agency and complies with WILEAG Standards.

The Neenah Police Department and the City of Neenah is responsible for maintenance and support of it's own computer systems and radio systems utilized by the department in communications.

## 804.4 EMERGENCY CALLS FOR SERVICE

The Winnebago County Sheriff's Office provides 24-hour, toll free coverage for the public to call with requests for service:

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- The WISO 911 Communications Center is staffed 24 hours a day, 365 days a year. There are three shifts per day with five or six Telecommunicators on duty each shift.
- 911 (designated as an emergency number)
- (920)727-2888 and (920)236-7300 (Designated as a non-emergency/administrative number.)
- WCC directs that misdirected emergency calls will promptly be routed or directed to the proper agency that can provide assistance to the caller.

The Neenah Police Department provides 16-hour coverage for a non-emergency phone number for the public to call with requests for service:

- (920)886-6000 (designated as a non-emergency/administrative number)
- Calls between 23:00 and 07:00 are routed to the Neenah Police Department shift supervisor and then to the Winnebago County Sheriff's Office if not answered.
- All misdirected emergency calls will promptly be routed or directed to the proper agency that can provide assistance to the caller, unless circumstances do not allow a prompt transfer.

#### **804.5 RADIO PROCEDURES**

All radio operations will be in compliance with Federal Communications Commission (FCC) rules and regulations.

##### **(a) Proper Radio Use**

- (a) Police radio frequencies shall be used only for official communications, to include training.
- (b) Department personnel shall refrain from unnecessary conversation on radio frequencies.
- (c) Department personnel shall not broadcast any "wise cracks," attempts at humor, unprofessional comments, or unnecessary remarks.
- (d) Department personnel shall not use profanity when using the radio.
- (e) Department personnel shall not use any words or phrases that are demeaning to persons based on their race, religion, national origin, or sexual orientation.
- (f) Department personnel equipped with a police radio shall monitor their primary channel for all descriptions, information, calls for service, and respond when dispatched.

##### **(b) Emergency Button Use**

- (a) The Emergency Button on police radios is designed to establish an open mike during emergencies and notify the dispatch center
- (b) The Emergency Button should be only utilized in the event of an emergency (except for training purposes or testing)

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- (c) If the button is accidentally pressed, the officer should contact dispatch and advise them of the error
- (d) Training which includes a live activation of the Emergency Button require the advisement of WISO Dispatch prior to conducting the training

#### 804.5.1 CONTINUOUS COMMUNICATIONS WITH ON-DUTY OFFICERS

- (a) (a) Portable Police Radios
  - (a) All on-duty officers will be supplied a portable radio
  - (b) All on-Duty officers shall monitor their primary talk group for all descriptions, information, calls for service, and respond when dispatched.
- (b) Primary Channels
  - (a) Primary Channels are monitored by a dispatcher. Monitoring provides continuous communication between officers and WCC.
  - (b) Unless otherwise directed, 'North End Main' is the Primary Channel for NPD Members.
  - (c) In the event of 10-33 Traffic being designated on a Primary Channel, NPD Members not involved in the emergency shall move to the alternate channel indicated by WCC.
  - (d) Primary Winnebago County Channels for NPD:
    - 1. North End Main: Primary Neenah PD, Menasha PD, & Fox Crossing PD Patrol Frequency
    - 2. WISO Main: Primary WISO Patrol Frequency
- (c) Secondary Channels
  - (a) Secondary Channels are designated for communicating messages between dispatchers and/or police members, when their primary dispatch talk group is unavailable to communicate and/or the primary dispatch talk group is impractical or inappropriate for the broadcast.
  - (b) Secondary Channels may also be utilized as incident command alternates.
  - (c) When members use a side talk group for administrative or emergency messages, which the dispatcher or other officers need to take cognizance of, they shall switch to a Primary Channel and rebroadcast the information to a dispatcher.
  - (d) Secondary Channels available to NPD are North End TAC1 and North End TAC2
- (d) Encrypted Channels
  - (a) The Neenah Police Department has the ability to utilize an encrypted channel for communication between officers. During special operations involving the SWAT Team, this channel will be used for communications between Officers, Operators and Operational Commanders.

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- (e) Inter-Jurisdictional Communications
  - (a) NPD Radios have the ability to communicate on surrounding agency frequencies and can do so by changing zones on the radios, which is supported by the WCC
  - (b) When NPD becomes involved in an emergency situation requiring assistance, a Supervisor will make a mutual aid request. Assisting units will change to the radio talk group designated by the NPD Officer in Charge
  - (c) Whenever an emergency situation arises where officers are likely to be moving constantly through various jurisdictions, the channel of the initiating jurisdiction will be used, unless changed by a supervisor in charge of the incident.
  - (d) When officers are requested to assist another law enforcement agency and their own channel is utilized, all transmissions will go through the dispatch point of that requesting agency, until the emergency has ceased or Neenah Officers are released from duty in that jurisdiction.
  - (e) Other Jurisdictions and Agencies Available outside of North End Main Channel include (but are not limited to):
    - 1. WISO Patrol: WISO Main
    - 2. Neenah-Menasha Fire: NMFD Main
    - 3. Oshkosh PD: OPD Main
    - 4. Omro PD: WISO Main
    - 5. Winneconnie PD: WISO Main
    - 6. Appleton PD: APD Main
    - 7. Grand Chute: GCPD
    - 8. Outagamie County Sheriff's Office: OUSO MAIN
    - 9. UW Oshkosh PD: UWOPD

#### 804.5.2 DISPATCHING AND DUTY STATUS CHANGE

- (a) Duty Status Change
  - (a) When beginning a tour of duty, Officers will log on to the MDC with proper credentials, allowing Dispatchers to view their availability and area assignment or special duty status.
    - 1. When officers are not utilizing an MDC while in service, they should advise dispatch via radio with their location/duty assignment.
    - 2. This applies only when officers are out in public with the likelihood for law enforcement activities as well as for any reason where the officer's location should be known by dispatch for officer safety considerations.

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- (b) The MDC is generally the primary method of changing duty status, however when the MDC is unavailable, impractical to use, or when a change in status would be beneficial to be broadcast, status change should be broadcast via radio.
  - 1. This includes in-service and out-of service notifications to dispatch.
- (c) Officers should notify the WCC of special assignments or circumstances which may affect the normal dispatching of squads during their tours of duty.
- (b) When officers contact the WCC, they should state their badge number, await a response from dispatch, and then continue with his/her radio traffic.
- (c) Calls for service will be dispatched from the WCC in conformity with their directives. Incidents will be dispatched over the radio, generally giving address and basic information.
  - 1. The address/general area, nature, and further information will be entered into the CAD call, and may be sent to the responding units via the mobile data computer (MDC).
  - 2. Additional information as it may become known to the Dispatcher will be given via the radio, as well as entered into the CAD call to keep all Deputies informed of possible suspects, vehicles, etc.
  - 3. Criteria for dispatching personnel, which include number/types of units dispatched, in response to calls for service or as backup on self-initiated activities, including situations requiring the notification of supervisors, is governed by WCC directives.
    - (a) Disturbances, Suspicious Incidents, and Alarms should be multiple officer calls.
    - (b) Other calls can be multiple officer calls as required by responding officers or as determined by a supervisor.
  - 4. Supervisors may change the directions given by a Dispatcher when such change is deemed necessary.
- (d) Vehicle registration checks, stolen vehicle checks, driver's license checks, and wanted person checks can be sent over the MDC when they can be accomplished with reasonable safety. If the Officer believes, in a given situation, that his/her attention is best not removed from the situation at hand, the check may be run over the radio through a Dispatcher. Likewise, if the Officer is in a situation away from the squad car, and circumstances dictate, the check can be run through the WCC.
- (e) When making a traffic stop, the Officer will call in the traffic stop giving location of the stop and plate number over the Main Channel to the WCC. This is done so other Officers and Supervisors are aware of the stop.
  - 1. In the event that the main channel is too busy, Officers should swap the WISO Main Channel and advise dispatch on this alternative channel.



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##### 804.5.3 RADIO SECURITY

- Because citizens monitor police radio channels, certain sensitive information must not be transmitted over the radio. Such information may be relayed by the mobile data computer.
- Agency members' home telephone numbers will not be given out over the radio.
- Death notification calls will be communicated to officers via MDC, telephone, or in person.
- The names of operators or passengers of vehicles involved in life-threatening accidents will generally not be transmitted over the radio.
- The names of victims in death investigations will generally not be transmitted over the radio.
- Entire criminal history and other criminal records should not be communicated over the radio, although in some instances a summary may be given. The MDC is the better device to receive such information.
- Names of Agency members, or any names of any other emergency responders who are killed or injured in the line of duty will not be communicated over the radio.

##### 804.5.4 PHONETIC ALPHABET

- (a) Since it is often difficult to understand unusual words, proper names, street addresses, license numbers, etc., most times these should be spelled out by using the phonetic alphabet.
  - (a) The phonetic alphabet to be used:  
Adam, Boy, Charles, David, Edward, Frank, George, Henry, Ida, John, King, Lincoln, Mary, Nora, Ocean, Paul, Queen, Robert, Sam, Tom, Union, Victor, William, X-Ray, Young, Zebra
  - (b) The proper wording is "A-Adam, or simply Adam", not "A as in Adam".
  - (c) When transmitting numerals, "0" is pronounced "Zero"

##### 804.5.5 10 CODES

Primary means of communication via radio is Plain Speak. There are, however, standard 10-codes utilized and officers shall familiarize themselves with those commonly used.

Plain English (no ten codes) will be used whenever communicating or involved in mutual aid with an agency from outside of Winnebago County.

A Comprehensive list of all 10 Codes that are utilized through Winnebago County are included as an attachment. [See attachment: 10 Codes.pdf](#)

#### 804.6 INFORMATION CAPTURE

A record will be maintained for each request for service (criminal and non-criminal) as well as officer self-initiated activity. This record will be recorded in the Winnebago County-wide CAD system.

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This information will include but is not limited to: Incident and Report numbers, date and time of request or self-initiated activity, complainant information (name and address when possible), type of incident, location of incident, Officer's(s) assigned/responding, dispatch time, arrival time, Officer return-to-service time and disposition or status of case, via clearance coding.

#### **804.7 RESOURCE AVAILABILITY FOR COMMUNICATIONS PERSONNEL**

The Daily Roster will be provided to WCC daily by the NPD Communications tech on duty, which includes information on the Officer in Charge as well as the Patrol Personnel Assignment for the day.

Contact information of Agency Personnel is available to the NPD Communications Tech and all members are responsible for keeping their personal contact information (address and phone number) up to date through the Administrative Services Technician and should be made available to WCC upon request. This information can be readily accessed in Lotus Notes and redundant paper copies may be located in the flip files at the Front Desk. Information will be updated to the AlertSense program for special teams..

WCC maintains maps and other information covering NPD's service area as required to complete their task in a manner that WISO deems reasonable. An agency jurisdiction map will also be available to the NPD Communications Tech on Duty.

Supervisors are responsible for ensuring WCC is notified of special assignments or circumstances which may affect the normal dispatching of squads during their tours of duty and officers are responsible for updating their duty status with dispatch.

NPD will maintain a phone list of external support services available to NPD personnel, which includes special requirements (if any) for contacting them, and provide that information to WCC in the event they request it. This list will be available to the NPD Communications Tech on duty.

#### **804.8 IMMEDIATE PLAYBACK CAPABILITY**

NPD shall verify that:

- The contracted communications center, WCC, has continuous recording as well as immediate playback capability of radio transmissions and telephone requests for service within the communications center.
- The contracted communications center, WCC, has procedures in place for the security and retention of recordings for at least 30 days as well as a procedure for reviewing recordings.

#### **804.9 PRIVATE SECURITY ALARMS**

Neither NPD nor WCC does not directly monitor any private alarm systems. Any private alarm company calling in alarms in NPD's Jurisdiction shall result in a dispatched call to officers.

# Animal Control

## 805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

## 805.2 HUMANE OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of Community Service Aide and include the following (Wis. Stat. § 173.07):

- (a) Animal-related matters during periods when Community Service Aide is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Community Service Aide is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals or notifying owners when animals are taken into custody (Wis. Stat. 173.13(3)).
- (d) Enforcement of state laws and ordinances relating to rabies control (Wis. Stat. § 173.03(3); Wis. Stat. § 95.21; et seq.).
- (e) Enforcement of state laws relating to crimes against animals (Wis. Stat. § 951) shall be handled by sworn officers unless a non-sworn member has been appointed as the Humane Officer.

Members who are appointed as Humane Officers shall successfully complete the required basic and continuing education animal control courses required for certification by the Wisconsin Department of Agriculture, Trade and Consumer Protection (Wis. Stat. § 173.05).

## 805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

#### **805.4 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

#### **805.5 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

#### **805.6 POLICY**

It is the policy of the Neenah Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

#### **805.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to § Wis. Stat. § 951.01 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

#### **805.8 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

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##### **805.8.1 QUARANTINE**

A member shall order a dog or cat quarantined if the member has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. Law enforcement dogs are exempt from this requirement. (Wis. Stat. § 95.21(4); Wis. Stat. § 95.21(5) Wis. Stat. § 95.21(4)(d)).

##### **805.9 STRAY DOGS**

If the dog has a license, microchip or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen (Wis. Stat. 174.042(3)).

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

##### **805.10 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

##### **805.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

##### **805.12 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

## Short Forming of Complaints

### **806.1 CRITERIA FOR DECIDING WHETHER OR NOT TO SHORT FORM A COMPLAINT**

Officers will follow the criteria listed below when deciding whether or not to short form a complaint:

Is there further investigation or follow up needed?

Was there any police action taken that requires IBRs compliance that a citation does not cover?

Is there a Department Policy or legal mandate to report?

Are there attachments other than evidence entry form?

**\*\*If the answer is YES to any of the above questions, then a long form report is required.**

#### **806.1.1 INSTRUCTIONS**

When short forming a complaint, the officer **MUST** document in the text of the CAD sheet, a narrative summary of facts including the descriptive statement of the incident and how it was resolved. Personal identifying data on individuals contacted during this complaint must also be added to the CAD information. Officers can continue to add additional narrative text fields if more information is needed.

### **806.2 TYPES OF CALLS**

Listed below are the types of calls that can be short formed at the investigating officer's discretion. There may be a situation where long forming complaints is appropriate even though short forming these types of complaints is authorized. Proper labeling of call-types is critical and must accurately reflect each specific call.

Officers will be held accountable for their short form decisions. A supervisor may order any complaint to be long formed as appropriate.

- Accidents – Not Reportable (Less than \$1000 damage and no injuries)
- Adult Welfare Checks (Where no problems were discovered)
- Animal Complaints (Unfounded)
- Assist Calls (Other Departments, Motorist, Citizen – (911, Agency, K9, and General Assist))
- Bar Checks
- Building Security Checks
- Debris/Hazards
- Civil
- Child Custody
- COP Activity
- Direct Traffic

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- Medical - No assistance needed (A report would be needed if Narcan was administered, there is a possibility of death, etc)
- False Alarms
- Found Property (Exception of Narcotics, Currency & High Value Items – they require long forms)
- Open Doors/Windows
- Parking Violations
- Reckless Driving
- Removing Handbills or other Illegal Postings
- School Crossing
- Trees/Wires Down
- Vehicle & Bike Stops
- Vehicle Lockouts
- Warrant Arrests (Out of our jurisdiction)
- 
- Unfounded Calls (Noise, Suspicious, person, suspicious situations, disturbances)
- Warnings (must be closed with a written warning)

The following violations may be short formed but will require the records section to enter all pertinent information into P1 RMS when citations are issued.

- Citizen Based Ordinance Violations - (completed with a written warning or citation)
- Officer Initiated/On-view Ordinances arrests (This may include where evidence such as marijuana is collected and entered into evidence. NTC narrative should include all pertinent information. Evidence paperwork should be turned in with the ticket.)

The records section would include the following pertinent information:

- Defendant Information
- Charges
- Narrative copied from NTC
- Property

This is not an all inclusive list.

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### **Chapter 9 - Custody**



# TEMPORARY CUSTODY OF ADULTS

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Neenah Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Temporary custody** - The time period an adult is in custody at the Neenah Police Department prior to being released or transported to a housing or other type of facility.

**Detainee or Arrestee** - For purposes of this policy, an individual in temporary custody.

## 900.2 POLICY

The Neenah Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 900.3 DETAINEE PROCESSING AREAS

The Neenah Police Department has decommissioned it's municipal lockup and does not hold any detainees in locked cells or rooms. The booking area is not to be used as a lockup.

The Booking area is to be used for the processing, testing, or interview/interrogation of detainees/arrestees.

Other areas available for detained/arrested individuals to be interviewed/interrogated are the interview rooms in the booking hallway or in the ISU.

No detainee/arrestee shall be left unsupervised while in temporary custody at the Neenah Police Department.

## 900.4 SAFETY, HEALTH AND OTHER PROVISIONS

### 900.4.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) There is reasonable access to toilets and wash basins (Wis. Stat. § 302.37; Wis. Admin. Code § DOC 349.06(4)).
- (b) There is reasonable access to a drinking fountain or water (Wis. Admin. Code § DOC 349.06(4)).

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- (c) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (d) There is privacy during attorney visits.
- (e) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (f) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape (Wis. Stat. § 302.37).
- (g) Absent exceptional circumstances, a detainee may not be held more than two hours following the conclusion of processing, testing, and/or interview/interrogation before being transferred to a municipal lockup or jail.

#### 900.4.2 MEDICAL CARE

Fully stocked first-aid equipment and basic medical supplies should be available to department members.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

#### 900.4.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### 900.4.4 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of telephone calls while at the Neenah Police Department when practical.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

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1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.
- (d) Safety or operational concerns may be reasons to prevent phone calls at the officer's discretion.

#### 900.4.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### 900.4.6 FIREARMS AND OTHER SECURITY MEASURES

- (a) Firearms shall not be permitted in secure areas of lockup facilities where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies. (The Neenah Police Department no longer has a secure area to keep individuals in custody or to process them. This policy refers to other secure facilities, like the jail.)
- (b) Areas occupied by a detainee should be searched prior to and after use.
- (c) All detainees will be subject to a custodial search prior to being brought into the booking or processing area.
- (d) All perimeter doors to booking and processing areas shall be kept closed at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.
- (e) Video Cameras are in place showing the inside of the booking area. These cameras should be monitored by the front desk while officers have an individual in custody and for door release requests in order to increase officer safety and prevent escape.
- (f) In the event of an escaped detainee/arrestee, dispatch shall immediately be notified and officers should coordinate recapture. There is no alarm system designed for escapees at the department.

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##### 900.4.7 DETAINEE EVACUATION PLAN

- (a) Detainees shall be evacuated along with officers during the event of a fire.
- (b) All officers will be trained in regards to the booking room escape process through the hallway door or the sally port door.
- (c) Detainees in the Interview rooms will be evacuated out the South Doors or via alternate routes as needed.
- (d) Officer discretion is to be utilized in regards to restraints being used on detainee/arrestee during evacuation.
- (e) A fire extinguisher is available near the South Door in the booking room wing.

##### **900.5 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Neenah Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### 900.5.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

##### 900.5.2 SECURING TO FIXED OBJECTS

Handcuffing of an individual to an immovable object at the police department may be used as a means of restraint if deemed necessary by an officer. An employee should be within proximity to the detained individual at all times to ensure the individual's safety while secured to the immovable object. The Immovable object must be designed and intended for such use.

##### **900.6 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should generally be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person.

Upon release of an individual from temporary custody, his/her items of personal property shall be returned.

The Shift Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander shall attempt to prove or disprove the claim.

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##### **900.7 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Neenah Police Department. The procedures should include the following (Wis. Admin. Code § DOC 349.18):

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Commander, Chief of Police and Investigative Services Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

##### **900.8 ASSIGNED ADMINISTRATOR**

The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security (Wis. Admin. Code § DOC 349.12)
- (b) Key, culinary equipment and tool control (Wis. Admin. Code § DOC 349.12)
- (c) Sanitation and maintenance (Wis. Admin. Code § DOC 349.08)
- (d) Emergency medical treatment
- (e) Escapes (Wis. Admin. Code § DOC 349.11)
- (f) Evacuation plans (Wis. Admin. Code § DOC 349.10)
- (g) Fire- and life-safety (Wis. Admin. Code § DOC 349.10; Wis. Admin. Code § DOC 349.12)
- (h) Disaster plans
- (i) Building and safety code compliance (Wis. Admin. Code § DOC 349.12)
- (j) Required notifications, including any required to be made the regional detention facilities specialist (Wis. Admin. Code § DOC 349.11)
- (k) Receiving detainees from outside law enforcement agencies

##### **900.9 DNA COLLECTION FOR VIOLENT FELONIES**

Regarding DNA Collection requirements consistent with §165.84(7)(ah), the DNA databank unit with the Wisconsin State Crime Laboratory-Madison has updated their collection kits for qualifying events.

NPD will not be collecting DNA samples for the databank at the time of the arrest. The Winnebago County Jail will handle the collection of the samples, collecting the 10-print standards and the submissions to the crime lab. The Winnebago County Jail has been trained to collect samples

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with the kits. They automatically check everyone booked in at the jail to see if a subject needs to be processed for the DNA procedures.

In regards to individuals we refer to the Winnebago County District Attorneys Office for qualifying events, they have procedures in place to obtain the sample directly at the courthouse after a court proceeding. We do not need to tell the subject we are referring for a qualifying event that they should report to jail for the process. The list of qualifying statutes are found under §165.84(7)(ab).

#### **900.10 TRANSPORTATION OF DETAINEES**

It is the policy of this agency to treat all detainees in a humane manner and with due regard for their physical safety and protection consistent with sound principles of detainee security. Officers shall take the precautions necessary while transporting detainees to protect the lives and safety of officers, the public, and the person in custody.

##### **900.10.1 VEHICLE INSPECTION**

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, detainee or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

##### **900.10.2 RESTRAINTS**

- (a) Officers shall handcuff (double-locked) all detainee with their hands behind their back and palms facing outward.
- (b) The officer may handcuff the detainee with his or her hands in front, or use other appropriate and approved restraining device(s) where the detainee:
  - 1. Is in an obvious state of pregnancy,
  - 2. Has a physical handicap,
  - 3. Displays behaviors consistent with mental illness or an intellectual/developmental disability, or
  - 4. Has injuries that could be aggravated by standard handcuffing procedures.
  - 5. An officer may reasonably utilize this method for any reason as long as safety considerations are weighed.
- (c) In general, detainees should not be handcuffed to any part of the vehicle during transport.
- (d) Additional approved restraint devices, such as leg restraints, may be used to secure a detainee who violently resists arrest or who acts in a manner that indicates he or she poses a threat to himself or herself or to the public.

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- (e) Special precautions shall be employed when transporting high-risk detainees.
- (f) All detainee should be secured in the vehicle by proper use of a seat belt.
- (g) Officers are prohibited from transporting detainees who are restrained in a prone position.

#### 900.10.3 SEARCHES

Prior to transport, all detainees shall be thoroughly searched for any weapons or contraband.

#### 900.10.4 TRANSPORT

- (a) If possible, males and females should be transported separately.
  - 1. If segregating detainees of the opposite sex is not available, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary
- (b) Juveniles shall not be transported in the same vehicle with adult detainees.
- (c) Prior to initiating the transport, the officer shall provide dispatch with the following information when possible:
  - 1. Destination of transport
  - 2. Number of detainees
  - 3. Mileage readings.
- (d) The officer should use care when assisting a detainee into and out of the vehicle.
- (e) Detainees shall be transported in a manner that allows for constant visual observation. Where available, rear-facing in-car video systems should be activated and remain in use at all times until the detainee is removed from the vehicle.
  - 1. If a single officer is transporting a single detainee, the detainee should be behind passenger seat. If two officers are transporting, the detainee may be placed behind the drivers seat to allow for better visibility by the passenger.
- (f) One transporting officer should not attempt to transport more than one detainee in a vehicle without a security barrier between the front and rear compartment.
- (g) Any wheelchairs, crutches, and medication should be transported with, but not in the possession of, the detainee. Prosthetic devices should be searched prior to transportation, but should remain with the detainee.
- (h) Detainees shall not be left unattended during transport.
- (i) Officers shall not engage in any unrelated enforcement activities while transporting detainees unless failure to act would risk death or serious bodily injury to another. In non-life-threatening yet serious situations, officers should call for back-up assistance and may remain on-hand until such assistance has arrived.
- (j) Any escape shall be immediately reported to the communications center together with a complete description of the fugitive, mode and direction of travel, crime, and propensity for violence if known.

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1. Notification should include the agency within whose jurisdiction the escape occurred.
  2. The Escape shall be documented in a report.
- (k) Upon arriving at Transport destination:
1. Advise dispatch of arrival with ending mileage when possible.
  2. Adhere to the receiving authority's requirements as is practical.
  3. Securing firearms as is practical.
  4. Completing any documentation requirements.
  5. Alert receiving authority to unusual security or medical issues.
- (l) If any unusual security risks are posed by the detainee, notification of the receiving agency should be made.

#### 900.10.5 MEDICAL CARE TRANSPORTATION

Detainees should be monitored at all times by officers unless relieved by other authorized personnel. Assistance from a facility's security element in monitoring subject is acceptable.

Restraint of detainees at a medical care facility will be at the officers discretion.

Officers may follow medical transports or ride in them as deemed necessary. If an individual is restrained, the officer should ride with the detainee.

#### 900.10.6 LIMITATION OF COMMUNICATIONS BY DETAINEES

A detainee's ability to communicate with others while being transported poses potential safety and security concerns. Officers may discretion in allowing such communications, but should consider the risks and monitor communications.

#### 900.10.7 DETAINEE WELL-BEING

The physical well-being of detainees shall be monitored at all times.

- (a) Particular attention shall be directed to persons reported or suspected of being under the influence of drugs and/or alcohol, those with mental illness or an intellectual/developmental disability, or who have a history or propensity for violence.
- (b) Detainees who are visibly injured or report/display symptoms of injury or illness shall be provided emergency medical attention.



# Custodial Searches

## 901.1 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 Neenah 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 evidence from an individual in custody.

### 901.1.1 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 in which a detainee's genitals, pubic area, buttock or anus, or a female detainee's breast, is uncovered and either is exposed to view or is touched by a person conducting the search (Wis. Stat. § 968.255(1)(b)). This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 901.2 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.

## 901.3 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.

## 901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Neenah Police Department facilities. Except in exigent circumstances, the search should be conducted by

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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.

##### **901.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred. Use of property envelopes is the preferred method.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The inventory should include the case number, date, time, officer's badge number, and information regarding how and when the property may be released.

##### **901.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

##### **901.5 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 Neenah 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

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- Wis. Stat. § 941.20(1)
- Wis. Stat. § 941.23
- Wis. Stat. § 941.237
- Wis. Stat. § 941.231
- Wis. Stat. § 948.60
- Wis. Stat. § 948.61

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Neenah Police Department facilities shall be conducted as follows (28 CFR 115.115; Wis. Stat. § 968.255):

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched.
- (c) All strip searches shall be conducted in a professional manner, and absent exigent circumstances, under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating or assisting in the search so.
- (d) Whenever possible, a second member of the same sex should assist with the search for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search should avoid touching the breasts, buttocks or genitalia of the individual being searched unless necessary.

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- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search, specifying the belief that the individual was concealing a weapon or contraband.
  - 2. The written authorization for the search, obtained from the Shift Commander (if not a exigent search for weapons).
  - 3. The name of the individual who was searched.
  - 4. The name and sex of the members who conducted the search.
  - 5. The time and date of the search.
  - 6. The place at which the search was conducted.
  - 7. A list of the items, if any, that were recovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the completed Strip Search Authorization form shall be provided to the detainee for fulfillment of the requirement to provide documentation to the detainee under Wis. Stat. § 968.255(2)(e).

The search **shall not be REPRODUCED** through a visual or sound recording. (Wis. Stat. § 968.255(2)(c))

[See attachment: NPJ Strip Search Athorization 1.1.JPG](#)

#### 901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field 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 prior authorization from a Shift Commander is not required if there is probable cause to believe that the detainee is concealing a weapon, however a Shift Commander should be notified as soon as possible following the search.

A Strip Search Authorization Form should still be filled out as soon as possible to provide a copy to the detainee.

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##### **901.5.3 STRIP SEARCH TRAINING**

In accordance with Wis. Stat. § 968.255(6), the Professional Standards Lieutenant shall ensure annual training is provided regarding the policies and procedures to any employee or agent of the agency or facility who may conduct a strip search.

##### **901.6 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.
- (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

##### **901.7 TRAINING**

The Professional Standards Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.

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- (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.

#### **901.8 SEARCHES OF PERSONS WITH PHYSICAL DISABILITIES**

A search of a person who requires an assistive device for mobility including, but not limited to, a wheelchair, brace, crutch or artificial limb shall be conducted in a careful manner. If the search of a physically disabled person requires the removal of an assistive device or involves a person lacking sensation in some portion of his/her body, the search shall be conducted with extreme care by a member who has had training in handling physically disabled persons (Wis. Stat. § 968.256(2)).

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Neenah Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Neenah Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Assistant Chief should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Assistant Chief shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.



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##### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (Wis. Stat. § 111.37)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

##### **1000.4.1 POLYGRAPH EXAMINATION REQUIREMENTS**

If a polygraph examination is used as part of the selection process, candidates should be notified at the time of application of the following:

- (a) That a polygraph test will be required as part of the application process
- (b) The general subject areas that may be covered during the polygraph test

The polygraph examination shall be undertaken in accordance with the requirements of Wis. Stat. § 111.37.

In no case shall the results of a polygraph examination serve as the sole reason for denial of employment (Wis. Stat. § 111.37(6)).

##### **1000.4.2 EXAMINER QUALIFICATIONS**

If a polygraph examination is used, the examiner should be appropriately trained in the administration of polygraph examinations in the employment setting.

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##### 1000.4.3 SEQUENCE OF EVENTS

The Department's selection process includes the following steps:

- (a) Initial Interviews
- (b) Initial Background Interview
  - (a) PEP Test (Personnel Evaluation Profile)
  - (b) Background Investigator Interview
- (c) Command Staff Interview(s)
- (d)
- (e) Police Commission Interview(s)
- (f) Conditional Offers of Employment
  - (a) Medical Examination
  - (b) Psychological Examination
  - (c) Polygraph Examination
  - (d) Complete Background Investigation
- (g) Full offer of Employment

##### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Neenah Police Department (Wis. Admin. Code § LES 2.01).

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Assistant Chief shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Wis. Stat. § 995.55).

The Assistant Chief should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

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Regardless of whether a third party is used, the Assistant Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

##### **1000.5.4 APPLICANT FILES SECURITY & RECORD RETENTION**

Applicant files and selection material currently in use will be maintained in a secure file at the Neenah Police Department. These files may be assigned to Background Investigators, who will maintain these files in a secure location when not in use, in order to ensure the confidentiality of their contents.

The background report and any supporting documentation shall be securely maintained in accordance to the established records retention practices of the Human Resources Department once completed.

##### **1000.5.5 CANDIDATE WAIVERS**

Officer candidates are required to complete a waiver authorizing the disclosure of previous personnel files. The assigned background investigator shall submit the waiver to every government agency that has employed the candidate and request the personnel file information. The waiver should be submitted to the prior employing agency at least 30 days before a hiring decision is made. No hiring decision should be made without reviewing the information (Wis. Stat. § 165.85).

##### **1000.6 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Wis. Stat. § 165.85; Wis. Admin. Code § LES 2.01 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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##### **1000.6.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by Wisconsin law, including those provided in Wis. Stat. § 165.85, Wis. Admin. Code § LES 2.01, and Wis. Admin. Code § LES 2.02:

- Possess a valid Wisconsin driver's license
- Be free of any felony convictions, misdemeanor crime of domestic violence, or of any offense that if committed in Wisconsin could be punished as a felony unless an absolute and unconditional pardon has been granted
- Be at least 18 years of age
- Be a citizen of the United States (Wis. Stat. § 66.0501(1))
- Submit to a local, state, and national fingerprint check
- Possess good moral character as determined by a thorough background investigation (Wis. Stat. § 165.85)
- Possess a high school diploma or GED equivalent
- Possess a two-year associate degree or a minimum of 60 fully accredited college level credits. Candidates who have not met this standard at the time of initial employment must meet the standard within 6 months of their initial interview.
- Be free from any physical, emotional, or mental condition that might adversely affect the performance as an officer
- Undergo a physical assessment by a licensed physician, physician assistant, or nurse practitioner to verify the candidate can meet the required physical standards
- Complete a satisfactory oral interview
- Submit to a drug test upon hire

The Neenah Police Department may establish additional standards for selection of a candidate for the position of officer (Wis. Stat. § 165.85(4)).

##### **1000.7 JOB DESCRIPTIONS**

The Assistant Chief should ensure that a current job description is maintained for each position in the Department.

##### **1000.8 PROBATIONARY PERIODS**

The Assistant Chief should coordinate with the Neenah Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

# Evaluation of Employees

## 1001.1 PURPOSE AND SCOPE

The department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1001.2 POLICY

The Neenah Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 1001.3 OBJECTIVES OF PROGRAM

The objectives of the Employee Performance Evaluation Program are to:

- (a) Primarily to help Neenah Police Department Employees improve work performance and productivity by understanding what is expected, how well they are doing, what their strong and weak points are, and what they can do to improve themselves and their future with the police department.
- (b) Assure all employees recognition of individual performance and ability and promotional opportunities.
- (c) Encourage supervisors to approach each employee as an individual and to develop with him or her the mutual understanding necessary for effective day-to-day work relations.
- (d) Provide data for measuring the effectiveness of the employee relations, such as selection and placement of new employees and supervisory training.
- (e) Provide evaluations of the work performance and productivity of each employee for use in decisions regarding promotion and training.
- (f) Provide employees with self-evaluations they will complete to develop their own performance.

Performance ratings, when properly utilized, can benefit the police department, the supervisor and the employee. The police department benefits from the increased productivity because the review of the employee's performance provides an opportunity to discuss the employee's strengths

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and weaknesses on a person-to-person basis. The procedure also serves as a reminder to the supervisor to observe and evaluate the employee's actions.

Employees benefit by being informed of the supervisor's observations of their strengths and opportunities to improve their performance.

#### **1001.4 GENERAL GUIDELINES**

1) Following are suggestions for use in developing effective evaluation:

- (a) Give as much care and attention to your rating of your employee as you would like from the person who will be rating you.
- (b) Consider carefully the demonstrated qualities of the employee in comparison with other employees in the same classification.
- (c) When analyzing the performance, call to mind instances that are typical of the work and way of acting. Do not be influenced by unusual cases which are not typical. The use of IA Pro-supervisor notes will be beneficial and mandatory.
- (d) Disregard your general impression of the employee and concentrate on one trait at a time.
- (e) Evaluate performance that has occurred since the last review. Refer back to previous evaluation forms to put performance in context.
- (f) Base ratings on facts rather than on opinion so that you can explain when questioned.
- (g) Remember that your best employee may have a few weaknesses while your weaker employee may have strong points.
- (h) Make your own judgements. Do not reflect the judgment of a former supervisor.
- (i) Emphasize the employee's strengths, abilities and potential for growth. Do not give the employee the feeling that you see only the faults.
- (j) Remember that the employee with whom you are dealing is an intelligent individual and the employee's presence and future with the Neenah Police Department is important to the employee, to you, the department and the city.

2) Guidelines to be considered in conducting the evaluation interview:

- (a) Ask for a Self-Assessment. It is useful to have employees evaluate their own performance prior to the evaluation interview. Most employees will be very honest about their weaknesses and strengths.
- (b) Express Appreciation. Praise is a powerful motivator, and in an evaluation interview, particularly, employees are seeking positive feedback.
- (c) Minimize Criticism. Even the most stoic employees can absorb only some much criticism before they start to get defensive. If an employee has many areas in need of improvement, supervisors should focus on those few objective issues that are most problematic or important to the job. Don't exaggerate.
- (d) Focus on Solving Problems. The evaluation interview should be directed at devising a solution to the problem, not getting into a "blame game" in which both the supervisor

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and the employee enter into potentially endless discussion of why a situation has arisen.

- (e) **Be Supportive.** Engage the employee in the problem-solving process by asking, "What can I do to help?" By being open and supportive to the employee, the supervisor conveys that he/she will work with the employee to achieve higher standards.
- (f) **Establish Goals.** A major purpose of the evaluation interview is to make plans for improvement; therefore, it is important to focus the interviewee's attention on the future rather than the past.

#### **1001.5 ERRORS IN RATING FOR PERFORMANCE EVALUATIONS**

To assist in making objective and accurate ratings, there are pitfalls of which to be particularly aware for the evaluation of employee performance:

- (a) **Halo/Horn Effect:** May occur when an employee is extremely competent in one area and is therefore rated high in all categories. Conversely the horn effect may occur when one weakness results in an overall low rating.
- (b) **Recency:** This occurs when an evaluator gives more weight to recent occurrences and discounts the employee's earlier performance during the evaluation period. Utilizing our supervisor notes section in IA Pro is vitally important
- (c) **Bias:** This occurs when an evaluator's values, beliefs or prejudices distort ratings. National origin, age, religion, gender, appearance, or other non-job-related factors may influence the rater to distort evaluation information.
- (d) **Strictness:** Evaluators may be reluctant to give high ratings. IN the case of strictness, appraisers who believe that standards are too low may inflate the standards in an effort to make the standards meaningful in their eyes. These evaluators have higher expectations than appraisers of the same performance in other departments.
- (e) **Leniency:** Leniency errors are the result of evaluators who don't want to give low scores. All employees in this case are given high scores.
- (f) **Central Tendency:** Central tendency errors occur when an evaluator rates all employees within a narrow range, regardless of differences in actual performance. The appraiser sees all employees as average.
- (g) **Contrast:** Contrast error occurs when an employee's rating is based on how his or her performance compares to that of another employee instead of objective performance standards.

Recognition of these danger zones facilitates objectivity in rating.

#### **1001.6 EVALUATION PROCESS**

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period will be consulted by the immediate supervisor for their input.

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All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period and issue their expectations form. Supervisors should document this discussion in the prescribed manner in IAPRO notes.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise, which will be documented in IAPRO notes.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.

Employees who disagree with his/her evaluation and who desire to make a formal response or a rebuttal may do so in writing in the prescribed format and time period.

#### **1001.6.1 PART-TIME OFFICER EVALUATIONS**

Part-time officer evaluations are covered in the Part-time Officers Policy.

#### **1001.6.2 VOLUNTEER AND AUXILIARY OFFICER EVALUATIONS**

Volunteer and auxiliary officer evaluations are covered in the Volunteers Policy and the Auxiliary Officer Policy.

#### **1001.7 FULL-TIME PROBATIONARY PERSONNEL**

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time non-sworn personnel during the probationary period. Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period.

#### **1001.8 FULL-TIME REGULAR STATUS PERSONNEL**

Regular employees are subject to three types of performance evaluations:

**Regular** - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with contributions from the previous supervisor.



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**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary for other reasons, including an assessment of employee performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include follow-up action (e.g., action plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

#### 1001.8.1 RATINGS

The definition of each rating category is as follows:

**Outstanding** - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

**Meets standards** - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs improvement** - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

#### 1001.9 EVALUATION INTERVIEW

##### 1) DEFINITION

- (a) The evaluation interview is a two-way discussion between a supervisor and an employee regarding the employee's performance.
- (b) The interview is a crucial step in the development program for employees in the organization. Without the interview, the evaluation has little chance of succeeding in bringing about improved performance.

##### 2) BENEFITS

- (a) Improved employee productivity in current position.
- (b) Improved employee morale.
- (c) Reduced employee tension and anxiety.
- (d) Improved communication between employee and supervisor.
- (e) Increased employee readiness for greater responsibility.

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- (f) Improved employee understanding of job expectations.
- (g) Improved supervisor observation and judgment of employee performance.

#### 3) WHY SUPERVISORS SHY AWAY FROM INTERVIEWS

- (a) Some supervisors find it a painful process to criticize. No one likes to point out flaws or weaknesses in another's work.
- (b) Supervisors may feel that "informal" coaching does the job. With some it probably does; however, day-to-day coaching does not do the entire job. Informal coaching is "problem-centered" – oriented around a specific difficulty. It is usually not concerned with the employee's development. In the typical day-to-day situation, a supervisor is far more likely to let the employee know when he/she is concerned with a performance issue than when they are pleased with performance. This is natural since poor performance reflects immediately on a supervisor. The evaluation interview provides a balanced picture of how the employee is doing.
- (c) Some supervisors may feel they lack the required skill to make much of a contribution to the development of our employees. Some feel they just don't know how to go about it. And some may not, but, as part of our own supervisory development, we must learn! Providing the climate, challenge and assistance that will encourage employees to develop is not easy. However, we are in a position to do this.
- (d) Another reason given by supervisors for avoidance of conducting evaluation interviews is the lack of time available. Preparing for and conducting an evaluation interview properly does require time. Utilizing the necessary time to measure performance is vital to the success of the employee and to the Neenah Police Department.

#### 4) PREPARATION FOR THE INTERVIEW

The effectiveness of the evaluation interview in achieving the objective is determined in a large measure by the preparation which precedes the interview. One or more of the following should be considered:

- (a) **SCHEDULE THE INTERVIEW**  
The interview should be conducted in a private place without interruptions. Allow enough time so that neither of you feel rushed.
- (b) **REVIEW POSSIBLE CAUSES**  
For those areas requiring improvement, appropriate questions could be:
  - Why is the noted responsibility not being carried out satisfactorily?
  - Is the reason for the responsibility not being carried out due to the employee?
  - As a supervisor, am I responsible for the responsibility not being performed satisfactorily by the employee?
- (c) **POSSIBLE ACTION**  
Give consideration to the possible actions that might be taken to remedy the causes. It is not necessary to consider all possible actions that might be taken; just consider several practical ones. Refer to and use the "Action Plan" form.
- (d) **SET GOALS**

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For the most effective results it is necessary to establish a specific goal for any interview. Questions to ask are:

- What do I hope to accomplish when the interview has been completed?
- Is the employee being interviewed inclined to be tough-minded and objective or overly sensitive, self-conscious and somewhat insecure?

#### 5) INTERVIEW SUGGESTIONS

- (a) During this step present an explanation of the purpose of the interview. In talking about the purpose, the mutual value to both you and the employee should be emphasized. Emphasis should also be placed on the “joint problem-solving” nature of the discussion, rather than on the supervisor-employee relationship.
- (b) Explain how the interview will proceed and the role of the employee in the interview.
- (c) Review the “Employee Development Form” with the employee.
- (d) When discussing performance:
  - i. Begin with a positive approach. Every employee has some strengths which can be used as a starting point for the interview. Emphasize strong points.
  - ii. The objectives of this discussion are to get a thorough exchange of views and to identify areas of performance needing improvement. To promote open two-way communication, ask questions and listen, as well as talk. Encourage the employee to express feelings and thoughts, and avoid a judging attitude by not showing disapproval of the employee’s comments. Do not let the interview degenerate into an argument.
  - iii. Explain ratings without apologizing for your decisions.
- (e) Causes
  - i. One of the strongest tendencies in evaluation interviewing is to skip directly from “what is wrong” to “what are we going to do about it.” This may arise because some of us may not care to dwell at any great length on those areas needing improvement.
  - ii. For genuine change, it is necessary to get at some of the basic underlying factors that are causing the current situation.
  - iii. The objective of this step is to get an understanding of the real causes – probably the most difficult objective in the interview to achieve. It is important to consider all possible sources of causes.

6) Some questions that might be asked about the employee are:

- Does the employee have a sufficient basic ability?
- Does the employee lack motivation?
- Are there personal characteristics which account for the conditions?
- Is it lack of experience?

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##### 7) Possible actions:

- (a) Review the possible actions and convert them to a practical plan, outlined as to who is going to do what and when it is to be done.
- (b) It is desirable to outline the plan in writing for reference during the subsequent evaluation period and for use in a follow-up interview.

##### 8) Concluding the Interview

- (a) Concluding the interview should come naturally. There is occasionally some awkwardness attached to stepping out of the interview situation back into the regular work situation. An effective way of closing an interview is to summarize why you got together, what has taken place, and what has been accomplished.

##### 9) Appeal

- (a) When an employee disagrees with the rating, he/she may appeal to the reviewer. After review and recommendation the appeal shall be forwarded to the Chief of Police for consideration. The decision of the Chief of Police shall be final. In the event the Chief of Police is the reviewer, the appeal shall go to the Mayor, who is the statutory head of the police department.

#### 1001.9.1 EMPLOYEE SIGNATURE

At the completion of the evaluation interview, if the employee declines to sign the evaluation, the reviewing supervisor should write the words "refused to sign" on the employee signature line.

#### 1001.10 EVALUATION REVIEW

The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall use the quality of performance ratings prepared as a factor to evaluate the supervisor. Once reviewed by the Division Commander and the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's Division Commander.

#### 1001.11 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

#### 1001.12 ATTACHMENTS

See attachment: [Self development form.pdf](#)

See attachment: [Goals established.pdf](#)

See attachment: [ACTION PLAN.pdf](#)

## Special Assignments and Promotions

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Neenah Police Department.

While this policy will guide the selection for most promotions and special assignments, nothing in the policy precludes the Chief from making an appointment without following the items listed in this policy.

#### 1002.1.1 SELECTION OF SUPERVISORY POSITIONS

- (a) When a position is vacated or created, the department will follow the approval process as determined by City Administration, City Council and/or Human Resources.
- (b) The Neenah Police Commission shall approve the process for selection.
- (c) Once the selection process is completed, the Police Chief or designee shall submit the recommendation to the Police Commission for final approval.

#### 1002.1.2 SELECTION OF OTHER ASSIGNED POSITIONS

This process is designed to identify candidates to fill positions that are temporary assignments/promotions (School Resource Officer, Lake Winnebago Area MEG Investigator, etc.) Assigned positions are limited to a 5 year term. The Chief of Police may extend this term. These positions are unique as the vast majority of the work time is directly related to the activities of an outside organization. Due to this fact, the affected organization is integral to the process and selection. These positions do not require approval by the Neenah Police Commission; however, police administration should communicate with the Commission on the selection process and the candidate selected.

#### 1002.1.3 GENERAL PROCESS

- (a) Job Posting: Unless otherwise indicated in the position processes below, the position will be formally posted at the Neenah Police Department for a minimum of ten days. The posting will include an up-to-date job description, minimum qualifications, desired skills and abilities, and instructions on how to express interest in the position.
- (b) Application: Interested employees will submit a letter of intent with an updated resume to Human Resources who will facilitate the process by tracking applicants and following up with them. Any applicant who meets the minimum requirements may apply.
- (c) Performance Review: Prior to interviews, the interview team will solicit feedback from the supervisors concerning the interested candidate's job performance and any areas of concern that should be further explored in the interview. Candidate's past performance reviews and disciplinary history will be reviewed by police administration

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and Human Resources to determine suitability of candidates to proceed to the interview stage.

- (d) Interviews: Internal candidates who apply, meet the minimum qualifications, and have a satisfactory performance review will be interviewed. An interview team will be selected which will include Human Resources. The interview may include questions concerning past and present performance, discussion of issues relating to the position applied for, and an opportunity for the candidate to discuss or demonstrate past work product.
- (e) Written Test: A written test or written project are optional pieces of the process for certain positions.
- (f) Other: Other tests or exhibitions of fitness or skill may also be required for certain positions.
- (g) Scoring: Each candidates will be scored based on the competencies and indicators from the performance review, the interview, examples of their work, results of testing, qualifications, and disciplinary record.
- (h) Selection: The candidate who has the highest score (assuming the minimum score is met) will be selected for the position. If no candidate meets the minimum qualifications or the minimum score, candidates will be sought from outside the department and the City of Neenah/Neenah Police Department hiring process will apply.

#### **1002.2 PROCEDURE**

The minimum qualifications for the following positions can be met through commensurate training and experience that meet the intended levels of preparation and achievement.

##### **1002.2.1 PROCESS DETAILED BY POSITION**

###### **Assistant Chief**

- (a) Minimum Qualifications
  1. Bachelors Degree, Masters Degree preferred
  2. Ten years law enforcement experience
  3. Three years in a leadership capacity is preferred. A combination of education and experience that provides equivalent knowledge, skills and abilities may be considered qualifying
  4. Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief
  - (b) Human Resource Representative
  - (c) Citizen
  - (d) Neighboring Chief of Police

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##### **Captain**

- (a) Minimum Qualifications
  - (a) Associates Degree, Bachelors Degree preferred
  - (b) Ten years law enforcement experience
  - (c) Three years in a leadership capacity is preferred. A combination of education and experience that provides equivalent knowledge, skills and abilities may be considered qualifying
  - (d) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief
  - (b) Assistant Chief
  - (c) Captain(s)
  - (d) Human Resource Representative
  - (e) Citizen
  - (f) Neighboring Chief of Police

##### **Lieutenant**

- (a) Minimum Qualifications:
  - (a) Associates Degree, Bachelors Degree preferred
  - (b) Five years law enforcement experience. A combination of education and experience that provides equivalent knowledge, skills and abilities may be considered qualifying
  - (c) Completion of Middle Management or the equivalent thereof is preferred
  - (d) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief
  - (b) Assistant Chief
  - (c) Captain(s)
  - (d) Citizen (optional)
  - (e) Human Resource Representative

##### **Sergeant (Including ISU Sergeant)**

- (a) Minimum Qualifications:
  - 1. Associates Degree, with continuing education preferred
  - 2. Three years law enforcement experience
  - 3. Completion of a first line supervisory course is preferred

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- 4. Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief
  - (b) Assistant Chief
  - (c) Captain
  - (d) Citizen (optional)
  - (e) Human Resource Representative
  - (f) Patrol Lieutenant for Patrol Sergeant process
  - (g) ISU Lieutenant for ISU Sergeant process

#### **Investigator**

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Three years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) Assistant Chief
  - (c) Captain
  - (d) ISU Lieutenant
  - (e) Human Resource Representative

#### **Crime Analyst**

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) Assistant Chief
  - (c) Captain
  - (d) ISU Lieutenant
  - (e) Human Resource Representative

#### **MEG Investigator (Assigned Position)**



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- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) Assistant Chief
  - (c) MEG Unit Supervisor
  - (d) Captain
  - (e) ISU Lieutenant
  - (f) Human Resource Representative

#### **School Resource Officer** (Assigned Position)

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) School Administrators
  - (c) Assistant Chief
  - (d) Captain
  - (e) ISU Lieutenant
  - (f) ISU Sergeant
  - (g) Human Resource Representative

#### **K9 Handler** (Assigned Position)

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) Assistant Chief

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- (c) Captain
- (d) ISU Lieutenant
- (e) Outside Agency Supervisor or Handler (optional)
- (f) Human Resource Representative

#### **Community Policing Coordinator** (Assigned Position)

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Police Chief (optional)
  - (b) Assistant Chief
  - (c) Captain
  - (d) ISU Lieutenant
  - (e) Human Resource Representative

#### **Traffic Safety Officer** (Assigned Position)

- (a) Minimum Qualifications:
  - (a) Associates Degree
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:
  - (a) Chief of Police (optional)
  - (b) Assistant Chief
  - (c) Captain
  - (d) Patrol Supervisor (Sergeant or Lieutenant)
  - (e) Human Resource Representative

#### **Behavioral Health Officer** (Assigned Position)

- (a) Minimum Qualifications:
  - (a) Associate Degree or 60 college credits
  - (b) Two years law enforcement experience
  - (c) Discipline record will be considered
- (b) Recommended Interview Team:

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- (a) Chief of Police (optional)
- (b) Assistant Chief
- (c) Captain
- (d) Community Member (optional)
- (e) Human Resource Representative (optional)

#### **1002.3 POLICY**

The Neenah Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

# Reporting of Employee Legal Actions

## 1003.1 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.

## 1003.2 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 officers 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.

## 1003.3 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.

## 1003.4 REPORTING PROCEDURE

All employees of this department shall promptly notify their division commander in writing of any past or current criminal arrest or conviction, regardless of whether or not the matter is currently resolved and regardless of the penalty or sentence. This includes traffic violations.

All employees shall further promptly notify their division commander in writing if they become the subject of a domestic violence restraining order or similar court order.

Any employee 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.

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##### 1003.4.1 CIVIL ACTIONS

This department strongly encourages its employees to report their involvement in civil actions (divorce, small claims, bankruptcy, etc.) to any member of the command staff, so that available support and resources can be referred.

##### 1003.4.2 COMMAND STAFF RESPONSIBILITIES

The Professional Staff Captain shall submit in a timely manner a notice to the Wisconsin Department of Justice Training Standards Bureau (WisDOJ TSB) of any appointment, termination, reinstatement, name change or status change regarding any peace officer employed by this department (Wis. Admin. Code LES § 2.01).

The Professional Staff Captain shall submit in a timely manner a notice to WisDOJ TSB of a felony conviction or any lawful reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (Wis. Admin. Code LES § 6.02).

## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### 1004.2 POLICY

The Neenah Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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##### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resource Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

##### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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#### *Anti-Retaliation*

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##### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

##### **1004.7 RECORDS RETENTION AND RELEASE**

The Professional Staff Captain shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

##### **1004.8 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

##### **1004.9 WHISTLE-BLOWING**

State law protects a law enforcement officer who witnesses and reports or intervenes to stop any unlawful use of force by another law enforcement officer (Wis Stat. § 175.44). Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Staff Captain for investigation pursuant to the Personnel Complaints Policy.



## Drug- and Alcohol-Free Workplace

### 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

#### 1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using 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 on-duty member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1005.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1005.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1005.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

##### **1005.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (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.

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- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1005.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1005.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave & Other Absences

### 1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and Wisconsin Family and Medical Leave Act (Wis. Stat. § 103.10); or for bone marrow and organ donation leave (Wis. Stat. § 103.11).

### 1006.2 POLICY

It is the policy of the Neenah Police Department to provide eligible employees with a sick leave benefit.

### 1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1006.3.1 NOTIFICATION

All members should notify the Assistant Chief or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **1006.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

#### **1006.6 OTHER ABSENCES**

Absences not addressed by union contract for sworn members shall fall under the City of Neenah Employee guidelines found in the City of Neenah Employee Handbook.

# Personnel Complaints

## 1007.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Neenah Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1007.2 POLICY

The Neenah Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining or employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

The designated Internal Affairs Coordinator for the Neenah Police Department is the Professional Staff Captain.

## 1007.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### 1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Staff Captain, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor

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or the Professional Staff Captain, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1007.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### 1007.3.3 COMPLAINT INVESTIGATIONS

**Preliminary Investigation** - A fact-finding investigation designed to assist a supervisor in determining whether a complaint should be handled through the process of informal inquiry or internal investigation.

**Informal Inquiry** - A unit-level review of a procedural or minor misconduct complaint. An informal inquiry may involve simple mediation of the complaint and/or a meeting with the officer for the purpose of determining the facts and the appropriate form of resolution. Review of an informal inquiry is required if a formal complaint is filed

**Internal Investigation** - A formal investigation of an employee who has become the subject of a serious misconduct complaint and is to be investigated by the internal affairs function.

**Criminal Investigation** - The process of investigation into alleged acts of misconduct that, if sustained, may be the basis for filing criminal charges.

#### 1007.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

##### 1007.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

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##### 1007.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

This department will investigate all false claims made against its law enforcement officers. 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).

##### 1007.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. (IAPro) The log shall include the nature of the complaint and the actions taken to address the complaint.

##### 1007.5.1 ANNUAL REVIEW

Annually, the Professional Standards Lieutenant shall conduct a review of all complaints to determine any patterns or tendencies that may need to be addressed. The results of the annual review shall be documented and forwarded to the Chief of Police or the authorized designee.

##### 1007.6 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

##### 1007.6.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander or internal affairs coordinator for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:



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- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed a response, or if the member 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 render a timely written decision to the member and specify the grounds, scope, reasons for discipline, and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

The Chief of Police shall file a report with the police commission immediately upon issuing a suspension or discharge of a member (Wis. Stat. § 62.13(5); Wis. Stat. § 62.50(13)).

#### **1007.6.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1007.7 CITIZEN COMPLAINT**

- (a) All complaints against the department or its employees will be courteously received and thoroughly investigated. This shall include complaints received anonymously, as well as those reported by a citizen not directly associated with the complaint.
  - 1. Non-supervisory personnel may explain policy or procedures, or describe a citizen's options to resolve a complaint, but shall refrain from trying to justify any employee's actions or resolve complaints themselves.
- (b) Upon receipt of a citizen complaint, a supervisor shall initiate a preliminary investigation into the matter, complete the Citizen Complaint Report, and prepare a report of his or her findings.
  - 1. When requested, the supervisor (comm techs when a supervisor is not available) may provide the citizen complaint report to citizens who may complete it themselves and forward it back to the department.
  - 2. All returned citizen complaint reports will be forwarded to the shift supervisor who should make every effort to meet with the complainant to obtain all the information for an investigation.
- (c) The preliminary investigation may include such steps as:
  - 1. Interviewing the complainant, reporting person, or witnesses (recorded interviews are preferred).

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2. Collecting written statements.
  3. Reviewing documents or audio/visual tapes.
  4. Observing and documenting injuries or physical evidence related to the allegation.
- (d) The supervisor receiving the complaint shall provide the complainant with a copy of the citizen complaint report face sheet as written verification that the complaint has been received for processing.
- (e) The preliminary investigation shall result in a determination as to whether the complaint alleges serious misconduct, minor misconduct, or is procedural in nature. When in doubt, the complaint shall be treated as the more serious category.
- (f) Copies of the citizen complaint report shall be forwarded to the internal affairs coordinator, who will register all complaints received utilizing IAPRO..
- (g) The internal affairs coordinator will advise command staff of the complaint and will assign the investigation and notify other supervisors, as he or she deems appropriate.
- (h) The assigned supervisor will coordinate the investigation of allegations of minor misconduct or procedural complaints through the informal inquiry process.
- (i) If the complaint alleges serious misconduct, the internal affairs coordinator will coordinate an internal investigation.
- (j) The internal affairs coordinator shall ensure records confidentiality by maintaining a secure file of all citizen complaints and shall compile a summary of all complaints filed against the department and its employees on an annual basis.
- (k) Citizen complaints against the Assistant Chief or Captain should be referred to the Chief of Police.
- (l) Citizen complaints against Chief of Police should be referred to the president of the police commission, the city attorney, or an outside agency.

#### **1007.8 INFORMAL INQUIRY**

An informal inquiry may involve simple mediation of the complaint and/or a meeting with the officer for the purpose of determining the facts and the appropriate form of resolution.

Review of an informal inquiry by Command Staff is required if a formal complaint is filed.

##### **1007.8.1 INFORMAL INQUIRY PROCESS**

- (a) The informal inquiry process shall be used to investigate allegations of minor misconduct or complaints of a procedural nature.
- (b) The investigating supervisor assigned to the complaint shall contact the complainant (unless anonymous) to advise them of the receipt of their complaint.
  - (a) Contact can be made in person, via phone, or through written communication, but should be documented in IA Pro.

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- (c) The decision to resolve a citizen complaint through informal inquiry shall be made following a preliminary investigation into the alleged misconduct or procedural concern and a determination that the matter does not involve serious misconduct.
- (d) The informal inquiry process may involve mediation of the complaint with the citizen or reporting party, but will always involve an interview with the identified employee.
- (e) If the supervisor chooses, he or she may read to the employee the Administrative Investigation Rights.
- (f) Prior to interviewing an employee regarding his or her involvement in a complaint alleging minor misconduct or a procedural concern, the inquiring supervisor shall advise the employee of the nature of the allegation and that it is his or her intent to resolve the matter through informal inquiry. The employee shall be permitted to have a representative if he or she desires.
- (g) In the event an informal inquiry will take more than 30 days to complete, the assigned supervisor shall provide the complainant with a status report, and will continue to do so on 30-day intervals, thereafter.
- (h) Upon conclusion of an informal inquiry, the assigned supervisor shall take the following action:
  - 1. Make a preliminary determination regarding the proposed final disposition of the complaint, and review with the internal affairs coordinator.
  - 2. Forward the report to the internal affairs coordinator for approval.
  - 3. Notify the employee of the final disposition of the complaint.
  - 4. Notify the complainant of the final disposition of the complaint.
  - 5. Take any appropriate corrective action

#### **1007.9 ADMINISTRATIVE INVESTIGATIONS**

The professional standards lieutenant shall have direct access to the Chief of Police or the authorized designee.

Allegations of misconduct will be administratively investigated as follows.

##### **1007.9.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or Professional Staff Captain personnel investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

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1. The original complaint form will be directed to the Shift Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  2. 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 member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
  - (c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Commander.
  - (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander and Chief of Police are notified via the chain of command as soon as practicable.
  - (e) Promptly contacting the Department of Human Resources and the Shift Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
  - (f) Forwarding unresolved personnel complaints to the Shift Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
  - (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
  - (h) Investigating a complaint as follows:
    1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
    2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
  - (i) Ensuring that the procedural rights of the accused member are followed.
  - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1007.9.2 RIGHTS AND RESPONSIBILITIES OF AN EMPLOYEE UNDER INVESTIGATION

- (a) When an employee is notified that he or she is the subject of an internal investigation, the employee shall be provided a written notice of the allegations and his or her rights and responsibilities relative to the investigation, pursuant to the Law Enforcement Officers' Bill of Rights (Wi Stat § 164.02).
- (b) At the request of an employee under investigation, he or she may have a representative of his or her choice present during any interview.

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- (c) If it is desirable or necessary to compel statements from the employee, the investigator shall read the employee the Administrative Investigation Rights .
- (d) In cases that are purely administrative (include no potential criminal charges), the employee has no Sixth Amendment right to counsel for internal investigations and interviews, as the interview does not serve criminal prosecution.
- (e) During an internal investigation, an employee may be compelled to answer questions directly related to his or her official duties. All questions asked of the employee under investigation that are specifically related to employment must be fully and truthfully answered. Answers received in such a manner may not be used in a criminal proceeding involving the employee. Refusal to answer may result in corrective action.

#### **1007.9.3 INVESTIGATIVE TOOLS AND RESOURCES**

Note: If, at any time, the investigator determines the investigation is likely to result in criminal charges being referred against the employee under investigation, the investigator shall confer with the Chief of Police and the City attorney's office before proceeding under this section.

- (a) Medical and Laboratory Examination
  - 1. Any supervisor may, based on his/her reasonable suspicion, require a department employee to submit to a test for alcohol or drug use while on duty, in accordance with the City's personnel policies.
  - 2. When ordered by the Chief of Police or designee, employees shall be required to submit to any additional medical and laboratory examinations that are specifically directed and narrowly related to an internal investigation of the employee's performance or fitness for duty.
  - 3. Whenever an employee is ordered by a supervisor to undergo a medical or laboratory examination as a condition of his or her employment, the examination will be provided at no cost to the employee.
  - 4. Ordered evaluations will be conducted with a provider chosen by the police department/city. Employees may seek a second opinion from their chosen provider at their own expense.
- (b) Photograph Identification Procedures
  - (a) When ordered by a member of the command staff, an employee shall submit to being photographed for the purpose of creating a photograph array when needed to identify an employee accused of misconduct.
- (c) Financial Disclosure Statements
  - 1. When ordered by a member of the command staff, an employee shall be required to make financial disclosure statements when such statements are directly and narrowly related to an internal investigation.

#### **1007.10 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### **1007.11 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **1007.12 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The chief or authorized designee of the Neenah Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1007.13 DISPOSITIONS**

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. 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.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

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**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

A conclusion of fact shall support the final complaint classification.

All completed investigations will be maintained in the department's internal affairs files.

#### **1007.14 CORRECTIVE ACTIONS**

Corrective action shall be administered fairly and impartially, consistent with the seven steps of just cause (ss 62.13 (5)em) considering the nature of the offense and prior violations, and considering mitigating circumstances.

- (a) Counseling/Coaching
  - (a) If the nature of an offense is determined to be of a minor nature where documentation wouldn't be required, a verbal counseling may be utilized and any remedial training required can be directed.
- (b) Documented verbal reprimand
  - (a) Documented verbal reprimands are appropriate for offenses more serious in nature where a simple verbal counseling is not sufficient and documentation is determined to be required.
  - (b) The issuing supervisor shall make clear to the employee the standard or policy being violated, the action that created the violation, and any remedial training required.
  - (c) The verbal reprimand should be memorialized in a written note to the employee indicating the date and time of the offense, the date and time of the reprimand, a specific description of the violation, and a warning regarding future violations.
  - (d) The employee, the employee's immediate supervisor, and the internal affairs coordinator should all receive copies of the written documentation. A copy will be placed in the employee's personnel file.
- (c) Written reprimands
  - (a) Written reprimands are appropriate for continued offenses that would normally be verbal reprimands or for more serious offenses that would not be serious enough to warrant suspension, demotion, or dismissal.
  - (b) Written reprimands include:
    - (a) A heading of "Written Reprimand."
    - (b) The policy or standard being violated.
    - (c) The date and time of the violation.
    - (d) The specific action creating the violation.
    - (e) Specific mention of previous actions taken to correct similar behavior.
    - (f) A warning regarding the consequences of future violations.
    - (g) Any remedial training required (if applicable).

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- (h) Notification that the employee may appeal the decision to the Chief of Police.
  - (i) The supervisor's signature.
- (c) The employee may appeal the written reprimand to the Chief of Police within five days after the issuance. The appeal should be in written form indicating why the written reprimand is not warranted. The chief's decision will be final.
- (d) The employee, the employee's immediate supervisor, and the internal affairs coordinator should all receive copies of the written reprimand. A copy will be placed in the employee's personnel file.
- (e) The employee may submit a rebuttal to be placed in the personnel file with the reprimand.
- (d) Suspension, Demotion, or Dismissal
  - (a) When a preliminary investigation indicates that a violation may result in a suspension, demotion, or dismissal, the internal affairs coordinator shall be notified as soon as practical.
  - (b) Once the investigation is complete, a command officer shall draw up the charges in accordance with the parameters of the seven steps of just cause (ss 62.13(5)em).. The charges should include:
    - (a) A listing of all the policies or standards violated.
    - (b) The specific action or lack thereof, which created the violation(s).
    - (c) The specific date, time, and location of each violation.
    - (d) Specific mention of any prior actions taken to correct similar behavior(s).
    - (e) The date, time, and place of a pre-disciplinary meeting with the Chief of Police.
      - 1. At the meeting, the Chief of Police will provide a copy of the charges and will ensure the employee understands them.
      - 2. The Chief of Police will allow the employee to make a statement or present any relevant information.
      - 3. The employee may have union representation present at the meeting.
  - (c) A command officer or other appropriate officer shall serve the charges on the employee as soon as practical. If the employee is on a temporary paid leave the service can be done by inviting the employee to the department, delivering at the employee's residence, or by sending registered mail with return receipt requested.
  - (d) The Chief of Police will dispose of the investigation by either:
    - (a) Concluding the evidence does not warrant this level of correction, in which case the matter may be referred back to a command officer for a verbal or written reprimand.



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- (b) Taking corrective actions, which may include suspension without pay, or filing charges with the commission for demotion or dismissal. For sworn employees, the Chief of Police shall file a report of any suspension with the police commission, with a copy to the involved employee.
- (e) The employee may request a hearing before the Police Commission as described in the Police Officer's Bill of Rights, Chapter 164, Wis. Stats.

#### **1007.15 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1007.16 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1007.17 POST-DISCIPLINE APPEAL RIGHTS**

A non-probationary employee may have the right to appeal the imposition of a disciplinary suspension, transfer, demotion or termination as provided in a collective bargaining agreement, local ordinance or police commission rule (Wis. Stat. § 62.13(5)(i); Wis. Stat. § 62.50(13); Wis. Stat. § 59.26(8)(b)(6)).

#### **1007.18 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be

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afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1007.19 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

#### **1007.20 RELEASE OF INFORMATION**

- (a) During the course of an internal investigation the department or its members will not identify any employee under investigation
- (b) Informal inquiries and internal investigation reports will be kept confidential. If an open records request is made for one of these reports, the Chief of Police will review the request. If it appears the report is subject to release, the employees named as subjects of the investigation will be notified at least two weeks prior to any release, in order to allow them to seek a court injunction blocking such release.
- (c) On an annual basis, the internal affairs coordinator shall prepare a statistical summary of internal affairs activities for administrative review. This report will not contain any names of employees investigated. The Chief of Police will provide this report to the police commission and the news media.

Attachments:

[See attachment: Rules While On Administrative Leave Letter.pdf](#)

[See attachment: Notice Letter.pdf](#)

[See attachment: Admin Investigation Rights Ltr.pdf](#)

[See attachment: Admin Investigation Miranda Rights.pdf](#)

[See attachment: Admin Investigation Forms.pdf](#)

## Seat Belts

### 1008.1 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.

#### 1008.1.1 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.

### 1008.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Wis. Stat. § 347.48(2m)).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement (Wis. Stat. § 347.48(2m)(dm)).

### 1008.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Whenever possible, suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1008.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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##### **1008.5 POLICY**

It is the policy of the Neenah Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

##### **1008.6 TRANSPORTING CHILDREN**

Child passengers shall be transported using an approved child restraint system in compliance with Wis. Stat. § 347.48(4)(am)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

When the physical or medical needs of a child at least 4 years old make restraint by seat belt unreasonable, the child may be transported in an authorized emergency vehicle when the vehicle is being operated in the performance of official duties (Wis. Admin. Code § Trans 315.03(2)).

##### **1008.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

### 1009.2 POLICY

It is the policy of the Neenah 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.

### 1009.3 ISSUANCE OF BODY ARMOR

The Professional Staff Captain shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice..

Body armor shall be issued when an officer begins service at the Neenah Police Department and shall be replaced as indicated by the vest manufacturer or when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

Officers may be granted permission to use privately purchased body armor if it meets department standards.

#### 1009.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action, to include wearing body armor in high-risk situations.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.
- (e) An officer may be excused from wearing body armor when the officer is involved in undercover or plainclothes work that the officer's supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) If an officer uses an external vest carrier, the officer must complete Familiarization Drills. The Familiarization Drills Form will need to be signed off by the Professional Standards Lieutenant prior to wearing the carrier on duty.

#### 1009.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

##### **1009.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

Soft body armor may be placed in the Fresh Gear Rapid Sanitizing System for cleaning.

##### **1009.4 PROFESSIONAL STANDARDS LIEUTENANT RESPONSIBILITIES**

The Professional Standards Lieutenant should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

##### **1009.5 TACTICAL BODY ARMOR AND PLATE CARRIERS**

The Department will ensure that Tactical Body Armor is available to the SWAT Team with plate inserts and replaced in accordance with the manufacturer's recommended replacement schedule.

Plate carriers are made available in all Patrol vehicles and officers are advised to wear them in high risk situations.

## Personnel Records

### 1010.1 PURPOSE AND SCOPE

This policy governs the maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1010.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Wisconsin (Wis. Stat. § 19.36(10)).

### 1010.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum (Wis. Stat. § 165.85):

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment (Wis. Stat. § 103.13).
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1010.4 COMMAND FILE

Command files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Command file may contain supervisor

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comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1010.5 TRAINING FILE**

An individual training file shall be maintained by the Professional Standards Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Professional Standards Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Professional Standards Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1010.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Staff Captain in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Staff Captain supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

#### **1010.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.



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##### **1010.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files twice in a calendar year or as otherwise provided in a collective bargaining agreement. If doing so requires the member to take time off work, arrangements for an alternate reasonable time should be made for the member to access the files. The Department will grant the inspection within seven working days (Wis. Stat. § 103.13).

Any member seeking the removal or correction of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed or changed. If the contested item is not removed or changed, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (Wis. Stat. § 103.13).

Members may obtain a copy of the information or part of the information contained in their file (Wis. Stat. § 103.13).

A member who is involved in a current grievance against the Department may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (Wis. Stat. § 103.13).

Members may be restricted from accessing files containing any of the following information (Wis. Stat. § 103.13):

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

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- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.
- (i) Medical records where it would have a detrimental effect on the member, in which case the Department may release the medical records to a physician designated by the member so that the physician may release the medical records to the member.

#### **1010.9 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

# Commendations and Awards

## 1011.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Neenah Police Department and individuals from the community.

## 1011.2 POLICY

It is the policy of the Neenah Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

## 1011.3 AWARDS

Awards may be bestowed upon members of the Department and, in some cases, individuals from the community. These awards include (in order of precedent):

- Medal of Valor
- Purple Heart
- Supervisor of the Year
- Officer of the Year
- Employee of the Year for Non-Sworn
- Exceptional Service
- Lifesaving Award
- Outstanding Arrest
- Police Commendation
- Chiefs Commendation
- Educational Award

Criteria for each award and the selection, presentation and display of any award are determined by the Awards Committee.

Awards for individuals from the community are generally certificates and awarded at the Chief of Police's discretion.

## 1011.4 AWARDS CRITERIA

Nominations will be accepted year-round for any of the listed awards. An awards committee will be selected by the chief of police and will review each nomination. In order to receive the award, the candidate must meet each element of the award criteria as outlined below. The intent of the awards program is that only one award is given to each employee for an act or series of actions by that employee. The Chief of Police will have final approval of all awards.

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##### **1011.5 COMMENDATIONS**

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

###### **1011.5.1 MEDAL OF VALOR**

This award is rarely given and there are no limits on the number of recipients. It is for any sworn officer who knowingly and intelligently performs a gallant act beyond the call of duty, in the face of significant and imminent personal hazard.

The requirements are:

- Employee is a sworn officer
- Officer took intentional action to accomplish legitimate police goal(s)
- Action was beyond the normal call of duty, or what would normally be expected of an officer
- A strong possibility existed at the time of the act that he/she could have suffered serious injury or death
- Officer had knowledge of the risks involved
- Officer did not create the hazard
- Officer was not foolhardy in his/her decisions
- Officer did not use poor judgment or violate procedures which created the necessity for their actions
- Failure to perform the act would not have resulted in criticism or discipline

Award: **Medal, Uniform Bar, and Certificate**

**A6265 - Light Blue/White/Red/White/Light Blue**

###### **1011.5.2 PURPLE HEART**

This award is rarely given and there are no limits on the number of recipients. It is presented to an officer who suffers a serious wound in the line of duty and in good conduct, as a result of being intentionally attacked by an assailant.

Qualifying injuries include but are not limited to:

- Gunshot wound
- Laceration or puncture wound requiring stitches or staples
- Broken bone
- Concussion

Award: **Medal, Uniform Bar, and Certificate**

**A10296**

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##### 1011.5.3 SUPERVISOR OF THE YEAR

This award is given every odd-numbered to a single recipient who is consistently exemplary in the performance of his/her duties.

The requirements are:

- Employee is a sworn officer in a supervisory assignment
- Employee has no significant disciplinary issue in past 3 years (from date of award)
- Work performance is consistently above average
- Actions of officer support the department's Calling and Pillars of Pride
- Actions of officer enhance the community's trust in the department
- Supervisor contributes to positive work environment and relations within the department
- Supervisor demonstrates commitment to personal health and fitness
- Supervisor is involved in service to the community, either outside of work or outside of normal work hours and duties (desired, but not absolutely required)

Award: **Medal, Uniform Bar, and Certificate**

**A10794 - Blue and Red Alternating**

##### 1011.5.4 OFFICER OF THE YEAR

This award is given every year to a single recipient who is consistently exemplary in the performance of his/her duties.

The requirements are:

- Employee is a sworn officer
- Employee is not on probation (except a probationary supervisor is eligible)
- Employee has no significant disciplinary issue in past 3 years (from date of award)
- Work performance is consistently above average
- Actions of officer support the department's Calling and Pillars of Pride
- Actions of officer enhance the community's trust in the department
- Officer contributes to positive work environment and relations within the department
- Officer demonstrates commitment to personal health and fitness
- Officer is involved in service to the community, either outside of work or outside of normal work hours and duties (desired, but not absolutely required)

Award: **Medal, Uniform Bar, and Certificate**

**A6265 - White/Red/Blue/Red/White**

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##### 1011.5.5 EMPLOYEE OF THE YEAR

This award is given every even-numbered year to any non-sworn employee who is consistently exemplary in the performance of his/her duties.

The requirements are:

- Employee is not a sworn officer (part-time employees are eligible)
- Employee has worked for department for more than one year (on date of award)
- Employee has no significant disciplinary issue in past 3 years (from date of award)
- Work performance is consistently above average
- Actions of employee support the department's Calling and Pillars of Pride
- Employee contributes to positive work environment and relations within the department
- Employee demonstrates a commitment to personal health and fitness
- Employee is involved in service to the community, either outside of work or outside of normal work hours and duties (desired, but not absolutely required)

Award: **Plaque and Certificate**

##### 1011.5.6 EXCEPTIONAL SERVICE

This award is given most years and there is no limit on the number of recipients. This award is given to employees who provide outstanding service to the department, either through a significant act, creation or improvement of a successful program, or through a prolonged effort of high-level performance in a task.

The requirements are:

- Employee has been a member of the department for at least one year and is not on probation at the time of the award (except that probationary supervisors are eligible)
- Employee has created or improved a successful program of the department, OR employee has completed a significant act in furtherance of department goals, OR employee has shown a prolonged effort of high-level performance related to a specific task
- Employee's actions or performance has improved department's excellence in a manner consistent with our Calling and Pillars of Pride
- Employee has no significant disciplinary issue in the last year (from date of award)

Award: **Medal and Uniform Bar; or plaque for non-sworn personnel. Certificate for Both**

A10802-LS

##### 1011.5.7 LIFESAVING

This award is given some years and there is no limit on the number of recipients. This award is given to any member of the Police Department who takes action that directly saves a person's life.

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The requirements are:

- The member took direct, immediate, and positive action to preserve the life of another human being who was in danger of dying
- The action prevented a probable or certain loss of life
- The circumstances were such that any delay in providing the assistance would most likely have resulted in the person's death
- The person saved was either subsequently discharged from a medical facility or continued to live with consciousness, for a week after the incident
- The award is regardless of whether the act occurred while on duty or off.
- Narcan administration saves will be reviewed on a case by case basis with consideration of how the victim was exposed to the substance causing the overdose.
- A member who receives this award and subsequently becomes a sworn officer can also wear the uniform bar.

Award: **Medal, Uniform Bar, and Certificate / Medal and Certificate for non-sworn personnel**

A7141 - Red/White

#### 1011.5.8 OUTSTANDING ARREST

This award is given most years and there is no limit on the number of recipients. It is given to officers who clear a very significant criminal matter through arrest or exceptional means.

The requirements are:

- Employee is a sworn officer
- Officer either effected an arrest for the crime or was able to clear it through exceptional means
- Crime cleared is very significant because it is well-known to the public, or has become a significant matter for the agency of venue, or it is part of a string of related offenses, or it just occurred
- Crime cleared is a felony
- Officer used good tactics and procedures in the clearance
- Officer wrote a solid report to document the clearance
- The arrest or clearance would not have occurred, or would have been substantially delayed, without the direct actions of the officer.

Award: **Uniform Bar (subsequent awards denoted by additional stars) and Certificate**

A7140-C, A7140-D, A7140-E, etc; additional stars for subsequent awards

#### 1011.5.9 POLICE COMMENDATION

This award is given most years and there is no limit on the number of recipients. This award is given to employees who provide outstanding service to the department, either through a significant

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act, creation or improvement of a successful program, or through a prolonged effort of high-level performance in a task, but not the the level of an Exceptional Service Award

The requirements are:

- Employee has been a member of the department for at least one year and is not on probation at the time of the award (except that probationary supervisors are eligible)
- Employee has created or improved a successful program of the department, OR employee has completed a significant act in furtherance of department goals, OR employee has shown a prolonged effort of high-level performance related to a specific task
- Employee's actions or performance has improved department's excellence in a manner consistent with our Calling and Pillars of Pride
- Employee has no significant disciplinary issue in the last year (from date of award)

Award: **Uniform Bar and Certificate / Certificate for non-sworn personnel**

#### A11408

##### 1011.5.10 CHIEF OF POLICE COMMENDATION

These awards are given most years and there is no limit on the number of recipients. These awards are given to employees who provide outstanding service to the department.

- The Chief may choose individuals for commendations due to noteworthy performance they deem worthy of more significant recognition.
- This award would be for Sworn and Professional Staff alike.

Award: **Uniform Bar and Certificate / Certificate for non-sworn personnel**

#### A8105-B

##### 1011.5.11 EDUCATIONAL AWARD

This award is given to members of the department who successfully complete a prescribed educational program designed to promote excellence in leadership as determined by the Chief of Police

Award: **Uniform Bar and Certificate / Certificate for non-sworn personnel**

#### A11751

##### 1011.5.12 AWARDS AND BARS

#### Medals

#### Bars

\*Listed in order of Precedent



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##### **1011.6 SPECIAL UNIT INSIGNIA**

The Neenah Police Department has several Special Units and Assignments with corresponding insignia or bars designed to recognize them. Current and former members may wear Special Unit Insignia or bars as designated

###### **1011.6.1 SWAT & NEGOTIATOR INSIGNIA** **SWAT**

Silver for Officer, Gold for Supervisors, Antique/burnished for former Operators

'Center Mass' brand style SWAT Operator Pin

###### **NEGOTIATOR**

Silver for Officer, Gold for Supervisors. Former negotiators authorized wear.

'Collinson' brand Negotiator Pin with blue fill

###### **1011.6.2 UNIT AND ASSIGNMENT BARS**

Unit and Assignment bars are worn in order of precedence based on alphabetical listing and with the following eligibility:

###### **Bike Patrol**

- Completed Initial Certification as designated by Bike Patrol Supervisor

###### **Community Policing Coordinator**

- Current or previous assignment as the Community Policing Coordinator

###### **Drug Recognition Expert (DRE)**

- Completed approved DRE certification

###### **Drone Operator**

- Completed required certification as a Drone Operator

###### **Field Training Officer (FTO)**

- Assignment to and actively trained Probationary Police Officer(s)

###### **Honor Guard**

- Assignment to the Honor Guard or Quartet
- Separate Bar than worn on Honor Guard Uniform

###### **Investigator**

- Current or previous promotion and assignment as a full time Investigator, Investigative Sergeant, or Investigative Lieutenant. This includes the Crime Analyst and Drug Investigator positions but not other duty assignments with Investigator pay rates.

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##### K9

- Assignment as Handlers or K9 Supervisor

##### Peer Support Officer

- Current or previous role as a Peer Support Officer

##### School Resource Officer

- Current or previous assignment as a School Resource Officer

##### SWAT Vehicle Operator

- Complete required training for SWAT Vehicle Operations
- Maintain a primary responsibility of operating SWAT Vehicle during SWAT operations

##### Traffic Safety Officer

- Current or previous assignment as a Traffic Safety Officer

Wear of Unit and Assignment Bars authorized for present and past service.

Bike: A12228 / CPC A12227BrickRed,BrightYellow,EDBlue,White image / DRE A1224 darkblu,blk,darkblu / Drone: C18387\*ExtraDarkBlue / FTO: A8107 Green Background / HG A12005 / Investigator C15557 Rhodium EDBlue,White,Red / K9 A11317 / Peer Support C15768 Rhodium Red,Wht,EDB / SRO A12764 Rhodium, BrickRed / SWAT Vehicle C15768\*Blk,Wht,Blk,Gry,Blk,Bry,Blk,Wht,Blk / Traffic Safety Officer A12623 Rhodium, EDBlue, BLK

#### **1011.7 MILITARY SERVICE BAR**

Eligibility for wear:

Current or former member of any branch of the six branches of the U.S. Armed Forces, either Active, Reserve, or National Guard, who has completed Initial Entry Training in their designated branch of service

C16915

#### **1011.8 AWARD AND INSIGNIA WEAR**

##### Placement

- Name Plate, Award Bars, Insignia, and American Flag Pin should be worn with 1/8" space between them (Fig-1 Class A)
- American Flag authorized, placed above all other Awards and Insignia. Not mandatory wear.
- Only 1 Special Insignia (SWAT or Negotiator)
- WILEAG Name Bar when Uniform Shirt is Worn

##### Class A Uniform

- American Flag Bar
- SWAT or Negotiator Insignia

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- All Awards, Commendations, and Unit Insignia authorized for wear
- WILEAG Name Bar

#### **Class B Uniform**

- American Flag Bar
- SWAT or Negotiator Insignia
- Authorized One row of Awards and Commendations, and Unit Bar, up to 3 wide
- WILEAG Name Bar when Uniform Shirt is Worn

#### **Outer Carrier Vest**

- American Flag Bar
- SWAT or Negotiator Insignia
- Award or Commendation Bar(s)
  - Can be worn 2 wide
- Embroidered Officer's first initial and last name.
- As vests patches are not all completely standard in placement of embroidered name, wear of Awards and Insignia must not present a cluttered appearance as determined by the Chief of Police or his/her designee (Fig-2)

**Fig-1**

**Fig-2**

#### **1011.9 ISSUANCE & PROCUREMENT**

The Neenah Police Department will issue one Medal and one Bar to the recipient. All additional Commendation and Insignia bars will be the responsibility of the Department Member

The Commendation Bars are W:1-3/8" X H:3/8" Blackinton Commendation Bars

The current vendor for these awards is Eagle Engraving Commendation Bars LLC (commendationbars.com.), although bars of the same size and color are available through other vendors.

Commendation Bar 'Model' Numbers' are located under each award in this policy

#### **1011.10 CITIZEN AWARDS & COMMENDATIONS**

The Chief of Police, or designee, may elect to award a Citizen or City of Neenah Employee an appropriate award based on similar criteria for an action or service to the City of Neenah.

Such awards can include, but are not limited to:

- Medal of Valor
- Exceptional Service

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- Chiefs Commendation
- Educational Award
- Certificate of Achievement/Appreciation

These awards may be, but are not limited to, Medals, Certificates, Plaques, or any combination of such.

## Fitness for Duty

### 1012.1 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)).

### 1012.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each employee of this department to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.
- (b) Each employee 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.

### 1012.3 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 Shift Supervisor or the employee's Division Commander, 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.

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#### *Fitness for Duty*

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##### **1012.4 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.

##### **1012.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Commander or unit supervisor and with the concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative 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.

##### **1012.6 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

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#### *Fitness for Duty*

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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.

#### **1012.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 16 hours in one-day period (24 hours)
- 32 hours in any two-day period (48 hours)
- 84 hours in any seven-day period (168 hours)

Except in limited circumstances employees should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to adjust work shifts for any employee 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.

#### **1012.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Meal Periods and Breaks

### 1013.1 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 Mayor.

#### 1013.1.1 MEAL PERIODS

Sworn employees and Comm. Techs 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 officers shall notify dispatch when taking a meal period. Uniformed officers shall remain available for calls unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1013.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty.

Officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When officers take their breaks away from their vehicles, they shall notify dispatch.



## Lactation Breaks

### 1014.1 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.

### 1014.2 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).

### 1014.3 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 Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1014.4 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.

# Overtime Compensation Requests

## 1015.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off, subject to the parameters outlined in the collective bargaining agreement or employee work rules.

### 1015.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

For employees not subject to a collective bargaining agreement, short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a request for such a period, the employee shall comply.

Sworn officers may request compensatory time in lieu of receiving overtime payment. However, the officer may not exceed the number of hours compensatory time identified in the collective bargaining agreement or employee work rules.

## 1015.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to Administration. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

### 1015.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete their timecard with the overtime request immediately after working the overtime and submit it to their supervisor. Employees submitting an overtime request for on-call pay when off-duty shall submit it to their supervisor the first day after returning to work.

### 1015.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the request is approved, it should be forwarded to Administration for processing.

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#### *Overtime Compensation Requests*

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##### **1015.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., three hours for court, two hours for training). The reason for the overtime should be documented with the request.

##### **1015.3.1 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, supervisor may require each employee to explain the reason for the variation.

# Outside Employment

## 1016.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee collective bargaining agreement.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

**Outside overtime** - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1016.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

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[See attachment: Outside Employment Application PDF.pdf](#)

##### **1016.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievances Policy or the procedure set forth in the current collective bargaining agreement.

##### **1016.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION**

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

##### **1016.2.3 DOCUMENTATION OF OUTSIDE EMPLOYMENT**

Documentation of outside employment, to include approvals, denials, revocations/suspensions, shall be maintained by the Chief of Police or the authorized designee.

##### **1016.2.4 CONDUCT**

All NPD employees maintaining outside employment shall conduct themselves in a manner consistent with the policies and processes of the department.

##### **1016.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

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- (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.

#### 1016.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

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 Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The officer shall wear the department uniform/identification.
  - 2. The officer shall be subject to all the rules and regulations of this department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.

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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.

#### **1016.3.2 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.

#### **1016.3.3 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

#### **1016.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

#### **1016.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

#### **1016.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE**

Department members who are engaged in outside employment and are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police 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

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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 Neenah Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

#### **1016.7 DEPARTMENT POLICY COMPLIANCE**

Any officer engaged in secondary outside employment is required to comply with all department policies and processes.



# Personal Appearance Standards

## 1017.1 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.

## 1017.2 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.

### 1017.2.1 HAIR

1. Hair: Hair shall be neat, clean and present a groomed appearance. Extreme hair styles, such as cornrows, mohawks, dreadlocks, etc. are prohibited. Extreme hair coloring is also prohibited. Hair must be of such a length and style as to not interfere with the wearing of uniform hats, or helmets.
  - (a) Male Officers: no longer than the bottom of the back of the shirt collar when standing.
  - (b) Female Officers: of a length to not interfere with job duties. A braid, bun or ponytail is acceptable.
  - (c) From October 15 – April 15, female officers can wear a small blue hair extension.
2. Sideburns: If any individual chooses to wear sideburns without a beard, they will be neatly trimmed and tapered in the same manner as the haircut. Sideburns will be evenly trimmed on each side of the face and will not extend below the ear lobe. Sideburns may not be more than 1¼" wide, nor thicker than ¼".
3. Mustaches and Beards: Officers may wear beards, goatees, and mustaches all year
4. Exceptions to grooming standards include officers assigned to the MEG Unit or others with prior approval from the Chief of Police.

**In all cases the Chief of Police reserves the right of final determination/approval on facial hair.**

### 1017.2.2 MUSTACHES & BEARDS

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

Officers may wear beards, goatees, and mustaches all year. These will be maintained in a clean manner, presenting a groomed appearance, and that does not interfere with the wearing of necessary police equipment or expose the wearer to undue risk or hazard. The beard must be shaved off of the neck area, and the beard must be started at the beginning of at least two

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consecutive days off. The length of the beard shall not exceed **1/2 inch**. Edges of the beard will not be allowed to curl or stand away from the face. No “soul patch” facial hair under the lower lip will be permitted.

It is also strongly recommended that extended time-off periods be used when beginning the growth of a beard or goatee.

#### **1017.2.3 FINGERNAILS**

Fingernails for officers should be trimmed so that no portion extends beyond the tip of the finger.

#### **1017.2.4 JEWELRY AND ACCESSORIES**

Officers shall not wear jewelry or personal ornaments on any part of the uniform or equipment, except as authorized.

Employees are authorized to wear the following jewelry:

- Necklace - Officers in uniform shall not have it visible above/outside the shirt collar
- Bracelets
- Wristwatch
- Rings - Sworn uniformed personnel may only wear one ring on each hand while on-duty
- Earrings - Female officers may wear up to three stud earrings in each ear
- Nose Studs - Female members may wear one nose stud no larger than 1.5mm in diameter in the left or right nostril

Male employees shall not wear earrings.

No other visible piercing jewelry may be worn.

#### **1017.3 TATTOOS**

The Neenah Police Department expects a high degree of professionalism from its officers. While on duty or representing the Department in any official capacity, officers may not display inappropriate tattoos.

The following visible marking's are prohibited:

1. Any marking located on the head, face, neck (above the collarbone), hands (below the wrist bone).
2. Tattoos or other markings that promote racism/discrimination, indecency, extremist or supremacist philosophies, lawlessness, violence, or sexually explicit material are prohibited to include:
  - a. Racist or discriminatory tattoos or brands are those that advocate the degradation of a person based on race, ethnicity, national origin, or gender. Racist or discriminatory tattoos or brands that are of violent, sexually explicit or sexually suggestive, vulgar art, words, phrases or profane language; symbols e.g., swastikas, or similar symbols, initials,

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acronyms or numbers that represent criminal or historically oppressive organizations, or any street gang names, numbers and/or symbols; anti-American, or any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

b. Indecent or sexually explicit tattoos or brands are those that contain a visual image, the dominant theme of which depicts or promotes graphic nudity, including sexual activities or organs. Tattoos displaying fully exposed nudity are prohibited.

c. Extremist tattoos or brands are those that depict or promote extremist activities or organizations that advocate hatred, intolerance, or lawlessness (e.g., terrorist groups, neo-Nazis, skinheads, outlaw gangs, Confederate flag, extreme political organizations with violent histories).

Prior to displaying tattoos, officers must have approval from the volunteer Tattoo Committee. If the committee approves the tattoos, officers can wear a uniform of choice. Otherwise, the unapproved tattoos must remain covered while on duty. If the employee disagrees with the tattoo committees decision, they must file a written grievance with the Chief of Police. If a current employee gets a tattoo, they need to notify their chain of command, up to and including the Chief of Police.

#### **1017.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and that is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears (including gauges/grommets), eyes, nose or teeth
- (d) Branding or scarification
- (e) Use of unnaturally colored contact lenses
- (f) Nasallang, septum, rhino, septril, Austin Bar, bridge, third eye, etc.

#### **1017.5 NOTIFICATION**

The Department shall, at the time of hiring, notify each employee of the personal appearance standards (Wis. Stat. § 103.14).

# Uniform Regulations

## 1018.1 PURPOSE AND SCOPE

The uniform policy of the Neenah Police Department is established to ensure that uniformed officers, and special assignment personnel will be readily identifiable to the public through the proper use and wearing of department uniforms.

The Neenah Police Department will provide uniforms for all employees who are required to wear them (such as sworn staff, CSAs, and Communications Technicians) in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement, or as determined by the Chief of Police, or designee, when not part of a bargaining unit.

## 1018.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also identifies the wearer as a source of assistance in an emergency, crisis or other time of need. The guidelines below apply to sworn officers wearing class A, B or C uniforms.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean.
- (b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty and have it stored at the department.
- (c) Employees shall not loan any portion of the uniform to non-officers.
- (d) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (e) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events, unless authorized by the Chief of Police.
- (f) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform.
- (g) Sunglasses shall not be of a type that distracts from a professional appearance.
- (h) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand
  - 3. Inconspicuous bracelets
- (i) All supervisors will monitor their personnel to ensure conformance to these regulations.

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##### **1018.2.1 DEPARTMENT-ISSUED IDENTIFICATION**

All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Commander.

##### **1018.3 EXTERNAL VEST CARRIER**

After April 15, 2019 the only approved external vest carrier is the Hard core PT by Body Armor Express.

The optional External Vest Carrier is authorized to be worn with Class B and Class C uniforms with the following requirements:

- (a) The vest shall be black
- (b) NPD issued metal badge on left breast
- (c) Right breast is sewn on name (light gray) 1/3 distance from bottom shall include first initial and last name
- (d) Police Patch adhered to the back of the vest (light gray in color); either reflective or not.
- (e) Body Camera must be forward facing above the belt line
- (f) Molle gear must be from a reputable manufacturer and maintain a consistent look on the vest. Gear shall be black in color. Molle gear shall be maintained in a clean, serviceable condition and approved by Professional Standards Lieutenant.
- (g) External vest carrier Familiarization Drills shall be complete and form signed by Professional Standards Lieutenant prior to duty wear.

Modifications to these specifications, such as for K9 officer uniforms, can be made with the Chief's approval or designee.

##### **1018.4 UNIFORM CLASSES**

The various uniform specification classes are those identified in this policy.

###### **1018.4.1 CLASS A UNIFORM**

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with a long-sleeve shirt and tie, black socks and polished shoes. The Class A uniform pants will have no cargo pockets. The Class A long-sleeve shirt cuffs will be buttoned at the wrist.

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The dress uniform hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

##### 1018.4.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long- or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) The Class B pants can have cargo pockets.
- (c) A Navy blue or black crew neck undershirt must be worn with the uniform. White undershirts are not allowed.
- (d) All shirt buttons must remain buttoned except for the last button at the neck. The long-sleeve shirt will be buttoned at the cuff, unless the reflective material on the inside of the cuff needs to be visible for safety purposes.
- (e) Blauer quarter zip or Blauer V-neck commando style sweater may be worn in cold weather under an external vest carrier.
- (f) Alternate 'under external vest' shirts designed to look like Class B shirts may be worn under the external vest carrier.
- (g) Shoes for the Class B uniform may be as described in the Class A uniform but also includes black athletic shoes and black tactical boots.
- (h) Black socks.
- (i) Boots with pointed toes are not permitted.

##### 1018.4.3 CLASS C UNIFORM

All officers may wear an optional Class C Uniform.

The Class C uniform will consist of the following:

1. Shirts will consist of Royal Blue in short sleeve polo or Black in long sleeve. Color and style must be similar to Corner Stone Tactical Polo
  - (a) If Class C is worn with concealed body armor, the following are required on the polo shirt
    - Department approved sewn on badge
    - POLICE lettering in light gray on back that measures at least 3" x 9"
    - Name sewn on right breast in light gray
    - Shoulder patches are not required
  - (b) If Class C is worn with external vest carrier, the following are required on the polo shirt
    - Department approved logo on left breast

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- Shoulder patches are not required
- 2. 5.11 Stryke pants in Storm Gray (light gray). Other brands or similar style and shade with approval of the uniform committee.
- 3. Footwear will consist of black athletic shoes or black tactical boots with black socks

Department issued baseball style hats may be worn with either the Class B or Class C uniform, black in color.

#### 1018.4.4 NON-SWORN UNIFORM

Any non-sworn department member who is issued a uniform shall wear issued uniform clothing while on duty. Footwear will be black in color and in good condition.

#### Communication Technicians

- (a) Communication technician shall wear issued tops, or other authorized city and department logo items while on duty unless otherwise addressed below
- (b) Communication Technicians shall wear dress pants or colored jeans may be worn with authorization (excluding blue jeans)
- (c) Footwear should be clean and in good condition. Tennis shoes are not allowed Monday through Thursday. Flip flops are not allowed
- (d) Communication technicians may take part in authorized dress down days
  - (a) Blue jeans in good condition can be worn Friday through Sunday
  - (b) Packer clothing on game days with jeans
  - (c) Wisconsin team apparel can also be worn on Fridays with jeans
  - (d) Any other dress down event authorized by the Chief or his designee

#### 1018.4.5 TRAINING UNIFORM

An officer shall wear the training uniform when indicated on the training announcement or schedule.

- 1. 5.11 short sleeve Performance Polo in black (71049 019)
- 2. Neenah Police blue line logo on left breast
- 3. Black short sleeve under shirt
- 4. 5.11 style B.D.U. pant in any color (standard uniform pant may also be worn)
- 5. Class B or C uniforms may also be worn if the officer is on duty

#### 1018.4.6 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as the canine team, SWAT, bicycle patrol, motor officers and other specialized assignments.

#### 1018.4.7 FOUL WEATHER GEAR

The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

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#### **1018.5 BADGES, INSIGNIA, AND PATCHES**

##### **1018.5.1 DEPARTMENT BADGES**

The Neenah Police Department uniform badge shall be issued to department members as a symbol of authority. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official capacity.

Sworn employees shall carry a badge at all times while on duty in uniform or armed.

Non-Sworn personnel shall not display a department badge except as part of their uniform, while on duty, or otherwise acting in an official capacity.

Badges are the property of the Neenah Police Department and employees may not sell, gift or alter them without authorization of the Chief of Police.

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)

Honorably retired officers may keep their badges for display purposes.

Sworn officers may purchase a flat badge for wallet carry with approval of the Chief of Police or the authorized designee. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

##### **1018.5.2 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:

An officer of this department, this county or an adjacent county- From the time of death until the start of the first shift following the funeral.

Funeral attendee - While attending the funeral of a police officer.

During Police Week

As directed by the Chief of Police or the authorized designee.

##### **1018.5.3 INSIGNIA AND PATCHES**

- Uniforms with department patch or other identifying insignia shall not be gifted, sold or loaned to any person that is not a sworn Neenah Police Officer without the approval of the Chief of Police.
- The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4-inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve (Fig A and B).
- The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display, at a minimum, the employee's last name and first initial. The nameplate shall be worn and centered above the right pocket.



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- A nameplate or embroidered name should be on outer garments.
- Special insignias, (e.g., SWAT, FTO, TAC, K9 and Fitness Incentive) may be worn as designated by the Chief of Police or the authorized designee. Each member is to authorized to wear two special insignias. See item h.
- An American flag pin may be worn, centered above the nameplate and special insignias.
- The department-issued badge or an authorized sewn-on cloth replica must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry the badge so it is conspicuous and can be displayed whenever appropriate.
- The designated insignia indicating the employee's rank should be worn at all times while in Class A or Class B uniform. The Chief of Police or the authorized designee may authorize exceptions.
- Award bars may be worn as designated by the Chief of Police. If award pins and bars are worn, they will be worn 1/8 inch above the name plate and any special insignia will be worn under the name plate, to the left and right of the button on the pocket flap.
- Service Stripes are authorized to be worn on both the dress and duty uniform.
  - Each stripe represents three years of service.
  - The service stripes are worn centered on the outside bottom half of the left sleeve on both the long sleeve patrol and dress uniform (Fig. B).
  - The service stripe is placed at an angle of 45 degrees with the lower end toward the inside seam of the sleeve, and it is placed 4 inches from the bottom of the sleeve (Fig. C).
  - The outside edges that follow the length of the uniform sleeve will be folded under leaving a ¼ inch of material from the outside edge of the service stripe (Fig D).
- Special insignias and award bars are also authorized to be worn on the external vest carrier.

#### **1018.6 CIVILIAN ATTIRE**

Employees not required or assigned to wear a uniform (such as Records staff) shall follow the City of Neenah's Employee Handbook Dress and Appearance Code. Exceptions may be made by the Chief of Police on a case-by-case basis.

#### **1018.7 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

Unless specifically authorized by the Chief of Police, Neenah 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,

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the image of another employee, or identify him/herself as an employee of the Neenah 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, except for news media outlets.

#### **1018.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Neenah Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Neenah Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

#### **1018.9 NOTIFICATION**

The Department shall, at the time of hiring, notify each employee of the uniform regulations and clothing requirements (Wis. Stat. § 103.14).

#### **1018.10 RELATED POLICIES**

- Firearms and Qualification
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

# Nepotism and Employment Conflicts

## 1019.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 1019.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

## 1019.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees should not directly supervise any other employee who is a relative or with whom they are involved in a personal or business relationship.
  - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  - 2. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel

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decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

- (c) Field Training Officers (FTOs) should not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or business relationships with victims, witnesses or other involved individuals during the course of, or as a direct result of, any official contact.

#### 1019.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or remain present to witness the action.

#### 1019.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

# Temporary Modified-Duty Assignments

## 1020.1 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.

## 1020.2 POLICY

Subject to operational considerations, the Neenah 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.

## 1020.3 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 Neenah 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.

## 1020.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.

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- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

#### **1020.5 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 Division Commander.

##### **1020.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

##### **1020.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1020.6 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.

#### **1020.7 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **1020.8 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.

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# Employee Speech, Expression and Social Networking

## 1021.1 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.

### 1021.1.1 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, chat rooms, video and other file sharing sites.

## 1021.2 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 Neenah 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.

## 1021.3 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 Neenah Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:



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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1021.4 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 Neenah 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 Neenah Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Neenah 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.
- (e) Speech or expression that is contrary to the Law Enforcement Code of Ethics as adopted by the Neenah Police Department.
- (f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Neenah

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#### *Employee Speech, Expression and Social Networking*

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Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

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).

##### **1021.4.1 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 Neenah Police Department or identify themselves in any way that could be reasonably perceived as representing the Neenah 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, except for news media outlets.

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 Neenah Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

##### **1021.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

##### **1021.6 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:

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- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

## Locker Rooms

### 1022.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each member's rights and privacy are maintained in accordance to Wis. Stat. § 175.22., which reads as follows:

Any person that owns or operates a locker room in this state shall adopt a written policy that does all of the following:

- (a) Specifies who may enter and remain in the locker room to interview or seek information from any individual in the locker room.
- (b) Specifies the recording devices that may be used in the locker room and the circumstances under which they may be used.
- (c) Reflects the privacy interests of individuals who use the locker room.
- (d) Specifies that no person may use a cell phone to capture, record, or transfer a representation of a nude or partially nude person in the locker room.

### 1022.2 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 building maintenance or the gathering of property.

Interviews of employees should not be conducted in locker rooms.

All assigned, unattended lockers must be locked, regardless of contents.

### 1022.3 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 or the authorized designee. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of member misconduct.

At no time will a member capture, record or transfer video or audio recordings, either openly or in secret, of another member by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, or video cameras for anything other than official purposes.

No person may use a cell phone to capture, record, or transfer a representation of a nude or partially nude person in the locker room

Members who violate this policy are subject to discipline up to and including termination.

### 1022.4 POLICY

The purpose of this policy is to establish guidelines for maintaining the privacy of members while inside a department locker room.

## Exercise Room & Fitness Equipment

### 1023.1 PURPOSE AND SCOPE

The Neenah Police Department recognizes the need for physical fitness. Exercise allows employees to maintain a level of fitness to adequately do their job and relieve stress, promoting a happier, healthier employee.

### 1023.2 PROCEDURE

The Neenah Police Department has designated a fitness/exercise room.

- (a) As a general rule, the Department does not furnish exercise equipment, and is not liable for any injury caused by the use of the equipment outside the scope of employment. Employees use the equipment at their own risk.
- (b) Exercise equipment furnished by department employees or private entities must be approved by the Police Administration. All equipment will be maintained in good working order by the Neenah Police Benevolent Association.
- (c) The fitness/exercise room is open only to department employees and is available 24 hours a day. Employees have unlimited use of exercise equipment during non-working hours.
- (d) Fitness equipment should only be used by persons who have been adequately trained in its use. Requests for fitness equipment training should be directed to the Professional Standards Lieutenant. The Professional Standards Lieutenant will keep training and orientation records.
- (e) It is the user's responsibility to maintain this area in a neat, clean manner.
- (f) The Department recommends that anyone starting a personal exercise program should do so only after consulting with their physician.
- (g) The parameters of on-duty workouts by union employees are outlined in the collective bargaining agreements.
- (h) Non-union employees may utilize the exercise room on their scheduled meal break.

# Line-of-Duty Deaths

## 1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Neenah Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1025.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a Non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1025.2 POLICY

It is the policy of the Neenah Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1025.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander and Dispatch.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **1025.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

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- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Neenah Police Department members may be apprised that survivor notifications are complete.

#### 1025.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### 1025.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### 1025.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:



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- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### 1025.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

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##### 1025.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Neenah Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

##### 1025.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The

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deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

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- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1025.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department Mental Health Professional and the wellness committee chair or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

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##### 1025.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

##### 1025.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Neenah Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

##### 1025.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

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- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefits (Wis. Stat. § 102.475)
  - 2. Education assistance (Wis. Stat. § 38.24)
  - 3. Pension benefits (Wis. Stat. § 40.73)
  - 4. Burial expenses (Wis. Stat. § 102.50)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 1025.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:

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1. Paying survivors' travel costs if authorized.
  2. Transportation costs for the deceased.
  3. Funeral and memorial costs.
  4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **1025.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

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##### **1025.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

##### **1025.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

##### **1025.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

##### **1025.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.



# Grievance Procedures

## 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for managing employee grievances, either as a member of the collective bargaining unit or as a non-union member, as well as the requirements for a grievance process.

## 1026.2 POLICY

It is the policy of the Neenah Police Department to resolve its members' serious job-related concerns in a prompt, fair, and equitable manner. It is expected that, through mutual cooperation, every reasonable effort should be made by supervisors and employees to resolve any questions, problems, or misunderstandings that have arisen before filing a grievance.

It is the policy of the Neenah Police Department that all policies and procedures are aligned with the terms of the collective bargaining unit labor agreement and/or City policy.

This policy also acknowledges the grievance procedure mandated by Wis. Stat. § 66.0509(1m) as well as the grievance agreement within the collective bargaining agreement.

## 1026.3 COLLECTIVE BARGAINING UNIT

The Neenah Police Department acknowledges the Neenah Professional Police Officers Association (NPPA) as the duly constituted bargaining units representing select members of this department, with the Wisconsin Professional Police Association (WPPA) as the NPPA's representative organization, as well as the Neenah Police Supervisory Bargaining Unit, and recognizes the requirement of the agency to adhere to relevant portions of collective bargaining agreements.

### 1026.3.1 LABOR AGREEMENTS

Finalized copies of labor agreements between the City of Neenah and the NPPA shall be available to members upon request or stored in a common, easily retrievable location.

The Neenah Police Department will ensure all policies or procedures are aligned with the terms of the labor agreement or policy established by the City Department of Human Resources.

The Neenah Police Department will ensure information regarding new/amended labor agreements and any corresponding policies and procedures are communicated to managers and supervisors of affected bargaining unit members in a timely manner.

## 1026.4 GRIEVANCES

Employees may file a grievance pursuant to the procedures outlined in the City of Neenah Employee Handbook or Collective Bargaining Agreement.

Unless otherwise specified in a collective bargaining agreement or city policy, grievance provisions shall include at least (Wis. Stat. § 66.0509):

- Employee terminations

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- Employee discipline
- Workplace safety

Unless otherwise specified in a collective bargaining agreement or city policy, any grievance filed shall, at a minimum, provide the following information:

- The name and position of the employee filing the grievance
- The issue involved
- Relief sought
- Facts supporting the grievance
- Date(s) the event(s) giving rise to the grievance

(\*Note: Under some agreements, initial grievances are presented orally)

Procedural steps and time limitations are contained in City Policy and Collective Bargaining agreements.

Unless otherwise specified in a collective bargaining agreement or city policy, representation during the grievance process is at the employee's discretion.

The Chief of Police shall have the responsibility as the coordinator of grievance procedures and as custodian of grievance records.

# Wellness Program

## 1028.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The Neenah Police Department recognizes employment in public safety professions can be stressful, demanding and traumatic. The department strives to provide employees with healthy coping mechanisms and stress relievers to maintain their overall emotional and physical wellbeing, mental health and resiliency.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- 
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

### 1028.1.1 DEFINITIONS

Definitions related to this policy include:

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

**Mental Health Professional** - A licensed and Neenah Police Department authorized caseworker, counselor, psychotherapist, psychologist, or psychiatrist.

**Resilience** - The capacity to persevere through adversity, trauma, tragedy, or significant sources of personal stress.

## 1028.2 POLICY

It is the policy of the Neenah Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

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##### **1028.3 WELLNESS COMMITTEE**

The Chief of Police should assemble a wellness committee. The committee should report directly to the Chief of Police or the authorized designee and should be comprised of both sworn and non-sworn members and collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
  - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
  - 2. The Department shall not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Work effectively with the Winnebago Area Peer Support Team to help promote and encourage officer wellness through:
  - 1. Peer support member selection, vetting and retention.
  - 2. Training and applicable certification requirements.
  - 3. Deployment.
  - 4. Managing potential conflicts between peer support members and those seeking service.
  - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
  - 1. Defining the types of incidents that may initiate debriefings.
  - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
  - 1. Obtaining a written description of the program services.
  - 2. Providing for the methods to obtain program services.
  - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.

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4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

#### **1028.4 DEPARTMENT PEER SUPPORT**

##### **1028.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA**

The selection of a department peer support member will be at the discretion of the committee. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

##### **1028.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES**

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
  1. Stress management.
  2. Suicide prevention.
  3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
  1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

##### **1028.4.3 PEER SUPPORT MEMBER TRAINING**

A department peer support member should complete department-approved training prior to being assigned.

#### **1028.5 CRITICAL INCIDENT STRESS DEBRIEFINGS**

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The committee chairperson or designee is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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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 should only include peer support members and those directly involved in the incident.

For any incidents that occur within the City of Neenah Police Department's jurisdiction, all debriefings will be conducted and ran by the contracted MHP. The Winnebago Area Peer Support Team will provide Peer Support members to assist. A definitive list of incidents that would initiate a critical incident stress debrief is impossible to be created to be all inclusive. Recognizing this, the debriefings will be scheduled for any Officer Involved Shooting or Officer Involved Death. Any requests made for other incident types by any member of the department will be considered. Requests can be made to any department peer support member, supervisor or member of the administration.

Location of the debriefing will be determined by the number of personnel involved. The MPH will organize the format of the debrief and work with administration on locations as needed.

#### **1028.6 PEER SUPPORT COMMUNICATIONS**

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

#### **1028.7 PHYSICAL WELLNESS PROGRAM**

The committee is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of provided physical fitness facilities and equipment
- (e)
- (f)
- (g)
- (h)
- (i) Ongoing support and evaluation

Shift supervisors will be responsible for scheduling of a member's use of facilities while on-duty.

#### **1028.8 WELLNESS PROGRAM AUDIT**

At least annually, the committee or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall

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not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The committee should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

#### **1028.9 TRAINING**

The committee chairperson or the authorized designee should collaborate with the Professional Standards Lieutenant to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Professional Standards Lieutenant as appropriate for inclusion in training records.

#### **1028.10 MENTAL HEALTH CHECK**

The Department requires members to participate in an annual mental health check with a mental health professional (MHP). The objectives of the annual check are as follows:

- Expand available options in pursuit of overall health and wellness, including encouragement to use mental health professionals.
- Reduce the stigma of seeking help for mental health concerns, including stress.
- Assess resiliency factors such as lifestyle balance and existing social support structure.

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- Address and educate regarding stress recognition, symptoms and effects.
- Foster healthy and effective skills to cope with, or to reduce stress, and to enhance or improve resiliency.
- Explain available services and how to access such services to new members.

Additional sessions for members with the department MPH will be considered on a case by case basis.

#### 1028.10.1 DESCRIPTION OF SERVICE

The annual mental health check will include the following components:

- Confidentiality - The session will be privileged under Wis. Stat. 905.04. The only information disclosed about the session is confirmation of a member's attendance. However, if the MHP reasonable believes a member has a substantial probability of harm to himself/herself, or to another person, the MHP may have a duty to report such a belief to law enforcement or take other reasonable steps to prevent injury.
- Format - a one hour session with a MHP that is held in person at a city location or at the MHP's office.
- Content - the session is an opportunity to discuss anything of concern. The session will also address the aforementioned objectives to include educating about stress awareness, promoting healthy and effective coping skills, and building resiliency.
- Required attendance - all members of the department (excluding Community Service Aides and Crossing Guards) will attend a mental health check each calendar year. Sworn officers on the 12-hour patrol schedule will make appointments during off-duty time and will be compensated at a rate per the current bargaining contract. Sworn officers on alternate work schedules and non-sworn staff, will be allowed to attend the mental health check during work hours and will be allowed up to three hours of time off (this includes time spent traveling to and from appointment and time spent at appointment). If a member is currently under the care of a MHP, the annual mental check is still required unless waived via consultation with the contracted MHP. If a members's personal MHP has concerns, they can directly contact our contracted MHP to discuss the merits of the required visit in the member's specific circumstance. Contact between mental health providers and subsequent waiver of the annual requirement will remain confidential and not known to the department.

The annual session is not an examination for fitness for duty and is in no way meant to replace prescribed events that occur post critical incident.



## **Chapter 11 - NPD Directives**

## 16-02 - Officer Safety

### 1100.1 PURPOSE

United States law enforcement officers were ambushed in record numbers in 2016. This directive reaffirms the department's commitment to officer safety, and provides basic guidance in ensuring that officers take appropriate measures to enhance the safety of their co-workers. Every officer is expected to check on the safety of fellow officers.

### 1100.2 PROCEDURE

A. When dispatched to a two-officer call, the first responding officer should generally not call off any back-up prior to the arrival of that back-up. When both officers are on-scene, an assessment can be made and one officer can be freed up if appropriate.

B. All traffic stops should automatically prompt a reasonably available second officer to check on the safety of the initiating officer early in the stop.

a. An officer responding to check on a traffic stop should advise via radio, but not be placed on the call

b. The initiating officer can call off the officer who is coming to check.

i. Preferred method of calling off is by radio, such as "I'm okay here."

c. Officers who spot another officer arriving to check on their safety should provide a hand signal to indicate whether assistance is needed

i. Thumbs up indicates no need for assistance, and the checking officer can immediately clear.

ii. Thumbs down indicates assistance is needed and the checking officer should call out on the stop.

iii. Tipping a flat hand back and forth indicates uncertainty. The checking officer should call out on the stop

C. Officers are also expected to similarly check on each other's safety on single-officer calls and pedestrian contacts.

D. Supervisors are permitted to assign officers in two-officer squads as appropriate based on staffing and assigned duties. These should be the exception rather than the rule.

## 17 - Opioid Exposure Prevention

### 1101.1 PURPOSE

The prevalence of fentanyl or fentanyl-related substances in our community creates a substantial risk to first responders specifically, and citizens generally. A person who comes into contact with fentanyl or a related substance may suffer extreme health complications, and potential death. Exposure can occur in a number of ways, including direct contact with skin or mucous membrane, inhalation, or other forms of ingestion. All officers need to be alert to opioid overdose symptoms and proper life-saving procedures to use in response.

### 1101.2 PROCEDURE

#### Training requirements under Wis. Stat. 256.40

- (a) **The Neenah Police Department shall enter into an agreement to affiliate with an ambulance service provider, or a physician, and will undergo annual training necessary to safely and properly administer Narcan.**
- (b) **Training criteria will be set, and trainers will be trained under the direction of a licensed ambulance service provider.**
- (c) **In-person refresher training will take place in conjunction with bi-annual CPR training.**

#### Specific Hazards

Fentanyl and related substances are typically possessed in powder form, and often mixed with other drugs, especially other opioids. However, opioids are also abused in pill form, liquid suspension, or even inhaled as smoke.

Very small amounts of Fentanyl or related substances can be deadly. It is therefore critical that officers possess and employ proper protective equipment, and follow sound procedures when they are likely to encounter these substances.

Opioids include opiates, such as heroin, as well as synthetic forms. Opioids include:

- Heroin
- Morphine
- Codeine
- Oxycodone (including the brands Oxycontin and Percoset)
- Hydrocodone (including the brand Vicodin)
- Hydromorphone (including the brand Dilaudid)
- Methadone
- Fentanyl
- Carfentanyl

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## *17 - Opioid Exposure Prevention*

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### **Primary Safety Equipment**

The primary source of safety equipment for officers is a Personal Protective Equipment (PPE) kit that is issued to each officer. The kit includes nitrile gloves, N-95 facemasks, eye protection, and Naloxone in nasal dispersion form.

The drug Naloxone, sometimes referred to by the common brand name Narcan, is a chemical antidote that affects the opioid receptors in the brain. In an Opioid exposure or overdose, the affected person's breathing slows to a rate that will not support life. Naloxone reverses the effects, usually within 5 minutes. Often, a second or third dose of Naloxone is required to revive the person.

Officers must become familiar with proper administration procedures of the drug. Giving Naloxone to a person who is not under the influence of an opioid causes no harm.

### **Actions**

Officers will keep their PPE kits and Naloxone available to them while on duty. Naloxone should be kept on their person in order to protect it from extreme heat or cold, which could deteriorate the effectiveness of the drug.

- If opioids are not suspected, use of PPE is discretionary
- If opioids are present or suspected, use of PPE is mandatory
- If there is any reason to believe a scene may involve manufacture or milling of opioid products, officers should freeze the scene without entering and request the assistance of Haz-mat specialists
- If suspected opioids are collected, they will NOT be field tested by NPD personnel. They will be transported to the State Crime Lab for testing.
- Any time opioids are present or suspected, a second officer must always be present during searches of cars, homes, or during the collection and processing of evidence. This includes during labelling/packaging of items at the police department. The second officer should remain a safe distance from the activity so he/she is not also exposed.
- During routine drug sorts from the department's drug drop box, all participating employees and volunteers will wear nitrile gloves and protective eyewear.

### **Decontamination**

Areas of direct skin contact with any residue suspected of containing opioids should be immediately flushed with water. Flushing should be followed by washing with soap and water. DO NOT use alcohol-based disinfectants or bleach solutions because they may enhance skin absorption of the contaminant.

### **Reporting Possible Exposures**

If an employee believes they have come into direct contact with an opioid, he or she should immediately report it to their supervisor. The supervisor should document the exposure on an injury form.

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#### *17 - Opioid Exposure Prevention*

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If an employee experiences any symptoms related to their contact with an opioid, they should report it to a supervisor or co-worker immediately, and discontinue any driving or other work tasks. The supervisor or assisting employee will administer Naloxone, and then arrange for EMS emergency response.

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## Attachments

## **Alleged Elder Adult At Risk Report-Ombuds-Lic.pdf**

# Winnebago County Department of Human Services

## ALLEGED ELDER ADULT AT RISK AND/OR CODE/CARE VIOLATIONS REPORT

(For Home Health Agency, Assisted Living, Hospital, Nursing Home, etc)

CLIENT NAME:

DOB:

ADDRESS:

PHONE:

**I. INCIDENT:** (check appropriate boxes below))

A. ☐ ALLEGED RULE/CODE VIOLATION: ("X" one below)

☐ HOME HEALTH AGENCY; HOSPITAL; HOSPICE ☐ NURSING HOME

☐ RCAC; CBRF; ADULT FAMILY HOME; ADULT DAY CARE

B. ☐ ALLEGED ELDER ADULT AT RISK (ELDER ABUSE)

☐ PHYSICAL ☐ NEGLECT ☐ FINANCIAL EXPLOITATION

☐ VERBAL/EMOTIONAL ☐ OTHER (describe):

**II. ALLEGED VIOLATOR/ABUSER NAME:**

RELATIONSHIP TO CLIENT:

ADDRESS:

PHONE#:

**III. DATE/TIME OF INCIDENT:**

PLACE:

REPORTED TO WCDHS BY: DATE:

RELATIONSHIP OF ABOVE REPORTER TO CLIENT:

**IV. BRIEF DESCRIPTION OF VIOLATION/ABUSE:**

**V. DESCRIBE ANY ACTION TAKEN SINCE REPORTED TO WCDHS:**

**VI. DATE PHONE TO LICENSER:**

**OMBUDSMAN:**

**VII. THIS REPORT PREPARED BY (Name, Title and Phone #):**

**VIII. DATE THIS REPORT FAXED TO LICENSER:**

**OMBUDSMAN:**

**ALL Referrals: Fax to Stacy Forest, Ombudsman at 715-345-5218 (Ph: 715-345-5229)**  
**HHA; Hospital; Hospice; End Stage Renal Dialysis; Rural Clinics: Fax to Helen Brewster, Health Services at 608-264-9847 (Ph: 608-264-9888)**  
**RCAC; CBRF; AFH; ADC: Fax to Kathleen Lyons at 920-448-5253 (Ph: 920-448-4800)**  
**NH: Fax to Leona Magnant, Field Operations Director at 920-448-5253 (Ph: 920-448-5241)**



## **Silver Alert Working Draft.pdf**

# WISCONSIN DEPARTMENT OF JUSTICE SILVER ALERT REQUEST

**The Online Form will need to be filled out**

**This copy is only provided as a reference or Working Draft**

Go to the Silver Alert page on WILENET, under the DOJ tab,  
to find the contact phone number to request a Silver Alert

Law Enforcement Agency requesting Silver Alert

**24 hour** Law Enforcement Agency phone number for PUBLIC/MEDIA

## DESCRIPTIVE INFORMATION

Last Name of Missing Person

First Name

Middle Name

Nickname

Gender

Race

Age

Height & Weight

Hair color and style

Facial Hair

Eye color

Unique Features (limp, scars?)

Lives alone ☐

Lives with caregiver ☐

Lives in an assisted living or memory care facility ☐

Last seen wearing -Be Specific

Possession of Weapon (explain)

Narrative of Events for Public

Gone missing before? Describe

If there are Additional Missing Persons list here

## LOCATION INFORMATION

Date/Time Last Seen

Location Last Seen

Missing from-City/County	
Hobbies, Interests	
Urgent Medical Needs	
Addt'l helpful information	
<b>TRAVEL INFORMATION</b>	
How are they traveling	
Vehicle Make/Model	Year/Color
License Plate State & Number	Unique Vehicle Features
Hitchhikes/uses Public Transp	Right or left handed
<b>LAW ENFORCEMENT SENSITIVE INFORMATION (this information is only disclosed to Law Enforcement)</b>	
Name of Person Completing Form	
Direct Phone Number	Email Address
Possibly Suicidal	Aggressive if Confronted
Cell phone or tracking device	DOB
Additional LE Sensitive Info	

## INVESTIGATIVE SUGGESTIONS FOR RESPONDING TO MEMORY-IMPAIRED ELDERLY MISSING PERSONS

This list is meant to offer *suggestions* when your agency is investigating a missing person believed to have dementia or other memory impairments. If, during the course of your investigation, you find another idea that proved useful, please share it with us at [WISilverAlert@doj.state.wi.us](mailto:WISilverAlert@doj.state.wi.us).

- ✓ If the person left their residence on foot, search the *entire residence*, including any areas in which the person may have hidden themselves.
- ✓ Banking cards may be flagged. If possible, have a family member monitor banking activity online and/or receive immediate texts from the bank when the card is used.
- ✓ If your community has a mass-transit system, notify them of your missing person.
- ✓ Individuals with dementia may return to previous employers, former residences or neighborhoods years or decades later. If possible, check these locations and talk to anyone who currently lives there. Ask them to watch for the missing person. Also:
  - Is the person drawn to certain buildings, places or landmarks?
  - Has the person recently mentioned visiting a specific place? Or a specific person, even if long deceased?
  - If the person has gone missing previously, where were they found on that occasion?
  - If the missing person lives alone, ask a relative, neighbor or a law enforcement officer to monitor the home in case the person returns.
- ✓ Does the individual have any devices on his or her person that can assist with tracking their location? If the individual has a device such as a pacemaker or insulin pump, check with their physician to see if the device is GPS-enabled (for example, giving the person's location in a medical emergency). If in a vehicle, does the vehicle have OnStar or other navigation system?
- ✓ If on foot, wanderers tend to go in the direction of their dominant hand and will also generally continue without stopping until they encounter a physical barrier such as a fence or a body of water. Search high-risk areas first. Previous Silver Alert subjects have also sought shelter in unlocked vehicles or residences, especially in inclement weather.
- ✓ Reactions to sirens, helicopters, search dogs & their name being called can be informative: people with dementia may exhibit paranoia and may perceive that they are "in trouble", leading to further hiding or seclusion. Keep these issues in mind when searching, especially if the reporting party indicates that these adverse responses are likely.
- ✓ Many jurisdictions utilize UAV's (drones) to assist in the search for missing persons. If appropriate circumstances exist, such as freezing temps or large wooded areas, consider utilizing this resource from your or neighboring agencies.
- ✓ Check any available License Plate Readers in your area for any record of the missing vehicle.
- ✓ Contact the Aging and Disability Resource Center (ADRC) that serves your county to ask the staff if they have any helpful information regarding the missing person.
- ✓ The local Senior Center in your community may also have helpful information about the missing person.

## **Outside Employment Application PDF.pdf**



## City of Neenah Police Department

# Outside Employment Application/Renewal

### Instructions:

1. Do not accept outside employment without the prior approval of your supervisor and Chief of Police. Acceptance of outside employment without advance approval, or after being informed such employment constitutes a conflict of interest, may result in discipline, up to and including termination.
2. Forward this request to your supervisor in advance of accepting outside employment. A copy of this request will be returned to you with a decision.
3. Supervisor will forward recommendation to the Chief or Police for review and decision.
4. The Chief of Police will return a copy of this application with his/her decision. Original will be kept for record keeping purposes.
5. The approval expires each calendar year, and a renewal request must be submitted accordingly.

Employee Last Name	First Name, MI	Bureau/Section
Employee Classification (Sworn, non-sworn, part-time)		

### PROPOSED OUTSIDE EMPLOYMENT OR ACCEPTANCE OF FEES/HONORARIA:

Anticipated Employment Type <input type="checkbox"/> Outside Employer <input type="checkbox"/> Own Business <input type="checkbox"/> Fees <input type="checkbox"/> Honoraria	Type of Request <input type="checkbox"/> New <input type="checkbox"/> Renewal	Anticipated Work Schedule
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### Prospective Employer or Business:

Name	Address	City	State
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### Description of Duties Involved in Proposed Employment:

Do you hold a financial interest in proposed employment? ☐ Yes ☐ No

To the best of my knowledge, the above employment will in no way conflict or interfere with the full and faithful discharge of my duties as a Police Officer and representative of the City of Neenah.	Employee Signature
	Date

### APPROVAL PROCEDURES

<input type="checkbox"/> Proposed Employment <b>Does Not</b> Constitute a Conflict of Interest <input type="checkbox"/> Proposed Employment <b>Does</b> Constitute a Conflict of Interest	Supervisor Signature	Date
<input type="checkbox"/> Proposed Employment <b>Does Not</b> Constitute a Conflict of Interest <input type="checkbox"/> Proposed Employment <b>Does</b> Constitute a Conflict of Interest	Chief of Police Signature	Date

**Distribution After Decision:** ☐ File; copies to: ☐ Supervisor ☐ Employee

## **Naloxone MOU GCA City of Neenah.pdf**



**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN GOLD  
CROSS AMBULANCE (GCA)  
&  
CITY OF NEENAH  
REGARDING LAW ENFORCEMENT ADMINISTERED NALOXONE**

**Background:** The 2013 Wisconsin Act 200<sup>1</sup> grants law enforcement agencies the ability to administer naloxone (Narcan) if an opioid-related overdose is suspected. The Act declares civil and criminal immunity to the dispensing officer when acting in good faith and when affiliated with an Emergency Medical Services (EMS) entity that provides training and medical direction.

Opioid-related overdoses have been increasing in Wisconsin since 2003. In 2013, 72 percent of all overdose deaths were related to opioids.<sup>2</sup> Naloxone serves as an opioid antagonist, blocking opioid effects (e.g., heroin) such as life threatening respiratory depression.

**Assessment:** EMS providers may or may not be the first responder to an opioid-related drug overdose victim. Law enforcement officers may encounter an overdose patient before medical help arrives and in such case, a properly trained officer can take simple measures in safely administering naloxone, potentially saving a life.

**Action:** Gold Cross Ambulance (GCA), contracts with Dr. Mark Westfall for medical direction, maintaining 24/7 physician coverage over the direction and control of County EMS providers. This medical direction and control is extended, via this MOU, to law enforcement agencies named herein.

The law enforcement agency responsible for administering naloxone shall have proper training through GCA. Standard operating procedures shall be developed that capture methods to properly identify a person undergoing an opioid-related overdose, subsequent victim distress, and how to safely dispense naloxone.

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<sup>1</sup> 2013 Wisconsin Act 200; <https://docs.legis.wisconsin.gov/2013/related/acts/200>, October 26<sup>th</sup>, 2015.

<sup>2</sup> Wisconsin: Special Emphasis Report: Drug Overdose Deaths 1999-2013; <https://www.dhs.wisconsin.gov/publications/p01077.pdf>; October 26<sup>th</sup>, 2015.



Gold Cross Ambulance  
LAW ENFORCEMENT ADMINISTERED NALOXONE MOU

**GCA and Medical Direction & Control:**


- The Medical Director contracts with and is compensated by GCA to provide medical direction and consultation and maintain 24/7 physician coverage over the direction and control of GCA providers. This medical direction and control is hereby extended to this Law Enforcement agency via this MOU. As such, the Medical Director shall exercise the supervision and oversight necessary to ensure compliance with the terms of this agreement, including but not limited to the following as appropriate:
  - 1) Provide initial and continuing education in opioid overdoses and opioid antagonists to law enforcement officers aligning with the EMS fee-for-service education structure while allowing variances to ensure the training is not cost prohibitive;
  - 2) Provide continued medical direction to participating municipalities at no cost;
  - 3) Assist law enforcement agencies in publishing protocols, which address storage, training, operations, and administration of Naloxone;
  - 4) Assist in obtaining the opioid antagonist and supplies from an appropriate vendor;
  - 5) Establish performance measures in collaboration with law enforcement agencies;
  - 6) Track the quality assurance of field-administered naloxone; and
  - 7) Collaborate with participating law enforcement agencies in the continued quality improvement and performance reviews of field-administered naloxone.
- The Medical Director covenants that during the period of this MOU that he/she has and will maintain in effect the appropriate licensure and medical malpractice insurance with a limit of liability not less than \$1,000,000 each Incident, \$3,000,000 aggregate or such higher limits as may be required to comply with the provisions of Section 655.23 (4) of the Wisconsin Statutes. The Medical Director understands and agrees that this Law Enforcement agency will not be responsible for the Medical Director's acts or omissions.

**CITY OF NEENAH:**


- Ensure law enforcement officers are properly trained via GCA in identifying patients under the influence of an opioid, that person's subsequent respiratory/circulatory distress, and the safe dispensing of naloxone;
- Establish department standard operating procedures in the administration of naloxone that adhere to the medical direction of GCA;
- Provide appropriate field data to GCA to allow performance tracking and quality assurance; and
- Collaborate with GCA Medical Director in the continued quality improvement of field-administered naloxone.

Gold Cross Ambulance  
LAW ENFORCEMENT ADMINISTERED NALOXONE MOU

For the City of Neenah

  
Name Christopher K. Sievert  
Title Assistant Chief  
Date 7-22-19

For Gold Cross Ambulance:

  
Steve Radich  
Administrative Director, Gold Cross Ambulance

Date 8/16/19

For Gold Cross Ambulance:

  
Dr. Mark Westfall  
Medical Director, GCA

Date 8/12/19

## **DAAT Manual Glossary of Terms.pdf**

## APPENDIX D: GLOSSARY

**ABS:** Anti-lock braking system, computer-controlled braking system that prevents wheel lockup regardless of pedal pressure.

**ACCELERATION:** The rate of increased velocity with respect to time.

**ACTION TIME:** The period it takes the action to cycle through all the acts necessary to fire one round.

**ACTION:** The assembly of functional moving parts which makes the operation of a firearm possible; the mechanism used in the act of loading, firing, and unloading a firearm.

**ACTIVE LISTENING:** Using an effective method of hearing what people say in an attentive manner that uses both nonverbal and verbal behavior, and asking additional questions for clarification or more detail.

**ACTIVE RESISTANCE:** Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

**ADVERSARY:** A person that opposes or attacks; in this context, a subject who is placing you in danger of great bodily injury or death by his or her actions.

**APEX:** The most critical part of a turn. It is the point on the inside of the turn at which a car finishes the entry phase and begins the exit phase. The car must be as balanced as possible and accelerating toward the exit point (see) when it "clips" the apex.

**APPROACH CONTACT:** A vehicle contact in which the officer approaches the driver of the subject vehicle.

**ARBITRATION:** A dispute resolution strategy (REACT) used with one non-compliant individual.

**ARMORER:** A person who has received special training, usually from a firearm manufacturer, to clean and maintain firearms according to factory specifications.

**ASSAULTIVE BEHAVIOR:** *Direct actions or conduct that generates bodily harm.*

**ATMOSPHERE:** Perception and environment surrounding the communication model.

**ATTENDING SKILLS:** A component of active listening that uses nonverbal communication to demonstrate attention to what people say.

**AUDITORY EXCLUSION:** A kind of stress-induced deafness that may occur as part of the fight or flight response to danger.

**B.A.C.:** Blood Alcohol Concentration

**BALANCED HAND POSITION:** A wide grip on the steering wheel, with hands approximately at the 9 o'clock and 3 o'clock position.

**BACK STRAP:** The rear metal portion of a handgun grip.

**BANKED PAVEMENT:** One side of the roadway is elevated, banked, or higher than the opposite side; normally exists on a curve.

**BARREL BUSHING:** The bushing in the front of the slide of an automatic pistol that holds the muzzle end of the barrel in place. (Note: Not all auto pistols have separate barrel bushings.)

**BARREL:** That part of a firearm through which the projectile is fired; a cylinder that also imparts spin on the projectile in flight by means of rifling in order to give it stability and direction.

**BARRIERS:** Barriers are obstacles to effective communication that can be physical, officer-generated, or interpersonal.

**BASIC CONTACT:** A model for law enforcement contacts with citizens.

**BATON:** A police impact weapon used to impede an adversary by striking parts of the body. Conventional batons are made of wood or plastic; expanding batons are constructed of a series of telescoping metal shafts.

**BODY CHECK:** A physical inspection for possible injury.

**BRACKETING:** The physical positioning of the contact officer and cover officer with respect to the subject and the situation.

**BRAKE FADE:** The loss of braking efficiency, normally due to heat buildup resulting from excessive use.

**BRAKE LOCKUP:** The application of brakes to the point that the wheels can no longer rotate.

**BRAKING DISTANCE:** The distance from application of brakes to slowing or stopping a vehicle.

**BRAKING, THRESHOLD:** The brakes are pressed firmly to a point just before lockup and held at that point, and the wheels never lose their rolling friction.

**BREACHING:** Forcing entry into a building.

**BREATH CONTROL:** To exercise proper control of the breath during the aiming and firing process, in such a manner as to minimize disturbance of sight alignment and sight picture. Breath control is important in precision shooting at long range, but is not a factor in close-range combat shooting.

**BUCKSHOT:** A type of shotgun load containing multiple round lead or steel projectiles that are launched simultaneously out of the barrel in a group called a "pattern."

**BULLET:** General term used to describe the projectile fired by a firearm.

**CALIBER:** The diameter of a projectile, such as a bullet; the diameter of the bore of a gun barrel. Caliber can be expressed in hundredths of an inch (.38) or in millimeters (9mm).

**CANT:** Tilting a pistol slightly off vertical, used to increase stability in unsupported shooting.

**CAPABILITY:** The ultimate limit of an individual's possible development as determined at a given time, assuming optimum environment and training from that time onward.

**CARTRIDGE CASE:** A case (usually of brass, but sometimes of aluminum or steel) which holds the propellant charge and the means of ignition (the primer). The bullet is seated in the open end of the cartridge case.

**CENTRAL NERVOUS SYSTEM:** In a human being, the system of neurons, neurochemicals, and allied structures involved in receiving sensory stimuli, generating and coordinating responses, and controlling bodily activities; includes the brain and spinal column.

**CENTRIFUGAL FORCE:** The force on a body in a curved motion that is directed away from the axis of rotation. A force which acts or impels an object away from the center of rotation.

**CENTRIPETAL FORCE:** The force on a body in a curved motion that is directed toward the center axis of rotation. The force required for keeping a moving mass in a circular path. A force which acts or impels an object toward a center of rotation.

**CHAMBER:** That inner portion of the gun barrel at the breech into which the cartridge is placed for firing, or, in the case of a revolver, the holes in the cylinder that contain the cartridges. Also, the act of inserting a round of ammunition into the chamber: "to chamber a round."

**CLOSE COMBAT:** Engaging a target within a distance of 0-3 yards. When firing at such close ranges, a modified position is used to minimize the possibility that the adversary will be able to disarm the officer.

**COMBAT DISTANCE:** Within 12 yards distance. Within such range a shooter can get hits on target using only the front sight.

**CONCENTRATION:** The will to command the mind to obey.

**CONDITIONED RESPONSE:** An automatic response to a given situation. Conditioned Response can ONLY be achieved by constant and repetitive practice. Conditioned Response is only desirable if that response is correct for the situation by which it is triggered.

**CONTINUED RESISTANCE:** Maintaining a level of counteractive behavior that is not controlled by an officer's current efforts

**CONTROLLED BRAKING:** This term refers to slowing down a vehicle as rapidly as possible without locking the wheels. Using this method of braking, vehicles will still respond to steering inputs.

**COUNTERMEASURE:** An opposing measure, taken in response to the actions of another.

**COME FULL CIRCLE:** Concept integrating verbalization and physical intervention.

**COMMUNICATION MODEL:** A process in which a message moves from sender to receiver.

**CONGRUENCE** The message received is the same as the message sent.

**CONTACT/COVER:** The contact officer's primary responsibility is to talk to the subject contacted. The cover officer observes the contact from a position of tactical advantage and intervenes when necessary to prevent escape, destruction of evidence, or assault on the contact officer.

**CONTACTS:** People to interact with.

**CONTINGENCY PLAN:** A plan made at a scene, describing what officers will do if the suspect starts shooting, begins a countdown, releases hostages, surrenders, etc.

**CONTROL PROCESS:** Achieving control of a contact or situation through presence and dialogue, or, if necessary, through physical intervention.

**CONTROL:** The purpose of an officer's use of Defensive and Arrest Tactics is control.

**COOPERATIVE SUBJECT:** A non-resistive subject who is controlled by the use of verbal direction.

**COUNTER-STEER:** Turning the front wheels to counter the effects of a previous turning movement or of a skid, to put the vehicle on its intended course of travel.

**COVER:** Anything that will stop a particular threat. Skillful use of available cover is more important to your survival in a gunfight than is skillful shooting.

**CRASH:** That occurrence in a sequence of events that usually produces unintended injury, death, or property damage.

**CRISIS INTERVENTION:** A method of contacting and intervening with irrational persons.

**CRITICAL MALFUNCTION:** A malfunction that the shooter cannot clear in the field and that may require the services of an armorer or gunsmith.

**CYCLE OF OPERATION:** The series of mechanical operations necessary to cause a weapon to fire one round and to return to a state of readiness.

**CYLINDER:** Component of a revolver that carries the individual chambers. It is held behind the barrel on an axis pin (also called the "yoke" or "crane") and is revolved by a mechanical link to the hammer or trigger so as to present successive chambers to be fired in sequence.

**CYLINDER RELEASE:** Also called a "Thumbpiece," it is the lever or button manipulated to allow the cylinder to swing free of the frame of the revolver to allow loading and unloading and the extraction of fired cartridge cases.

**DAAT:** A system of verbalization coupled with physical alternatives for Wisconsin law enforcement.

**DANGER ZONES:** Distances at which an officer is subject to an attack.



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

**DEADLY FORCE REACTIONS:** Determining if a threat is so serious that the only appropriate response capable of immediately stopping it is the use of deadly force.

**DEBRIEFING:** The procedure used after the use of force or a critical incident to apply closure, treatment, and/or evaluation. Also a technique used to calm self, partner, and the subject.

**DECELERATION:** The rate of change of velocity with respect to time. The slowing down of a body.

**DECOCK:** A mechanical procedure whereby a cocked hammer is safely lowered to the rest position without contacting the firing pin and accomplished by the activation of a decocking lever or switch without touching the trigger.

**DE-ESCALATION:** An officer's use of time, distance and relative positioning in combination with Professional Communication Skills to attempt to stabilize a situation and reduce the immediacy of threat posed by an individual.

**DEFENSIVE DRIVING:** Operating a vehicle in such a manner as to be able to avoid involvement in a preventable crash, no matter what the road and weather conditions. Synonymous with precision driving.

**DEFENSIVE AND ARREST TACTICS:** A training program for law enforcement that is a system of verbalization skills coupled with physical alternatives.

**DEFLECT:** Redirect a person's attention from his or her agenda using verbalization.

**DELIVERY SYSTEM:** In this context, the capacity for use of a weapon.

**DIM-LIGHT SHOOTING:** Shooting in low light conditions where it is not possible for the shooter to see the sights of the weapon; it may be so dark that the shooter needs artificial illumination as an aid to target identification.

**DIRECTED FIRE:** Shooting using the front sight.

**DISENGAGE:** To remove oneself from a situation; to cease involvement in a course of action.

**DISTURBANCE RESOLUTION:** A higher level of verbal control than a basic contact. Examples are arbitration and mediation, which are used to defuse

dangerous situations. Also, the conceptual model for officer's use of intervention options.

**D.O.N.E.:** An acronym describing the conditions under which disengagement and/or escalation to physical force would be appropriate.

**DOOR OPENERS:** Comments that encourage dialogue.

**DOUBLE ACTION:** A pistol firing mechanism which permits firing in either of two ways; either by manually cocking the hammer and then releasing it by trigger pressure, or by pulling through on the trigger so as to cock and release the hammer.

**DRY FIRE:** A method of practicing the fundamentals of marksmanship that does not involve the use of live ammunition. Dry Fire is a good way to develop trigger control and sight alignment and sight picture. It is also possible to practice reloading and clearing malfunctions in this way.

**DUE REGARD:** Phrase implying that a reasonably careful person, performing similar duties and acting under similar circumstances, would act in the same manner.

**DYSFUNCTION:** Temporary disruption of the subject's ability to resist or attack.

**EAR PROTECTION:** Any type of headphones or earplugs worn to protect the ears and hearing from the effect of loud gunfire.

**EARLY WARNING SIGNS:** Signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers.

**ECD:** Electronic control device.

**EJECTION PORT:** The opening in the top of the slide of an automatic pistol out of which the empty case is ejected.

**EJECTOR:** A component of a weapon that tips the spent cartridge case out of the ejection port after it has been extracted from the chamber.

**ELEVATION:** The vertical component of a sighting system, *i.e.*, the up or down movement of a sight that changes the bullet's point of impact vertically.

**EDGED WEAPONS:** Any item that by design or demonstrated use is capable of causing injury by stabbing, cutting, or slashing.

**EMPATHY:** To have understanding of and identify with another's situation and feelings.

**EMERGENCY DRIVING:** A response to a situation that is life threatening or that involves an extreme property loss; justifies the legal use of an emergency warning device.

**ESCALATE/DE-ESCALATE:** To increase/decrease the intensity or move to a higher/lower level of force or control.

**EVASIVE ACTION:** Any action taken by a driver to avoid a hazardous situation; steering, braking, or accelerating to avoid a collision or other crash.

**EVOC:** An acronym for Emergency Vehicle Operation Course.

**EXIT POINT:** The point in a turn, typically at the far outside edge of the roadway, at which the car has completed the turning maneuver and all the dynamic forces acting on the car are in balance.

**EXTRACTOR:** In an automatic pistol, a claw-like device that removes the cartridge case from the chamber of a weapon and presents it to the ejector.

**FATAL FUNNEL:** Any congestion point that officers must traverse while exposed to a wider threat area.

**FEEDING:** The process of driving live cartridges from the magazine into the path of the bolt or slide prior to chambering.

**FEED RAMP:** The slanted metal surface at the rear of a barrel that guides cartridges into the chamber during feeding.

**FIGHT-OR-FLIGHT FALLACY:** An officer-generated barrier that provides only two options of behavior for a contacted individual.

**FIELD STRIP:** To disassemble the major components of a firearm for cleaning, lubrication, and inspection. Unless you are a trained armorer, you should never disassemble a firearm past the point listed in the owner's manual.

**FIREARM:** A weapon in which a projectile is launched as a result of chemical combustion. Usually used to describe "small arms," those weapons such as handguns, rifles, or shotguns that can be easily operated by one person.

**FLASHLIGHT-ASSISTED SHOOTING:** In dim light or darkness means the use of a flashlight as an aid to illuminating the target.

**FLOOR PLATE:** The base or bottom of a magazine, usually capable of being detached for cleaning.

**FOLLOWER:** That part of the magazine that rides on top of the spring on which the cartridges rest for feeding into the chamber.

**FOLLOWING SKILLS:** A component of Active Listening that uses verbal techniques to encourage a person to continue talking and provide additional information.

**FOLLOW-THROUGH:** To pursue fully and to carry an act to completion. When all of the integrated elements of firing a shot are maintained until the shot strikes the target, such as stance, sight alignment and sight picture, trigger control and breath control. Also, the third major part of Disturbance Resolution.

**FORCE:** That which changes the state of rest or motion of matter, measured by the rate of change of momentum. Mass times acceleration.

**FOULING:** The accumulation of a deposit within the bore and mechanism of a firearm caused by unburned powder and byproducts of combustion remaining after the cartridge has been fired.

**FRICTION:** Resistance to any force trying to produce motion; constantly present and always working opposite the direction in which an object is being moved. A force of resistance acting on a body which prevents or inhibits any possible slipping of the body.

**FRONT-END SWING:** The movement of the front end in the opposite direction of the steering input when backing up.

**FUNCTION CHECK:** An inspection and test of the mechanical operations of a weapon, conducted after cleaning or repair, to verify that the weapon is serviceable.

**FUNCTIONAL CHARACTERISTICS:** The method of operation of a weapon, to include the cycle of operation and the manipulation of external controls such as the trigger or magazine release.

**FUNDAMENTALS OF MARKSMANSHIP:** Basic skills necessary to the proper accomplishment of the integrating act of shooting, to include stance or position, grip, trigger control, sight alignment, sight picture, breath control, and follow-through.

**GAUGE:** The diameter of the bore of a shotgun, expressed in the number of lead balls of that diameter required to make a pound. A "12-gauge" shotgun is one with a diameter of such size that twelve balls of lead, each fitting the bore, weigh one pound.

**GREAT BODILY HARM:** (§ 939.22(14), Wis. Stats.) Means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

**GREATER DANGER EXCEPTION:** The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

**GRIP:** The method of placing the hands upon the firearm. GRIPS (stocks) are the portion of the firearm held in the hand.

**GROOVES:** The spiral cuts in the bore of a weapon that form the rifling and affect spin on the bullet. The uncut portions between grooves are the “lands.” The type of weapon, ammunition, and designer preferences influence the number and form of the grooves.

**GROUP:** A group of shots on a target which shows a pattern with respect to the point of aim.

**HAMMER:** The mechanism that strikes the firing pin in a firearm; a rotating element, driven by the mainspring, which imparts the firing impetus to the firing pin, the latter which may be part of the hammer or separate.

**HANDCUFF GROOVE:** Proper location for placement of handcuffs.

**HANDCUFFS:** Temporary restraining device.

**HANDLING:** A vehicle’s ability to quickly and accurately respond to a driver’s command with no or minimal negative reaction and the ability to compensate for sudden irregularities in road or wind conditions.

**HANGFIRE:** An ignition failure in a cartridge that results in a delay before the charge fires. Caused by faulty ammunition—frequently by a primer contaminated by cleaning solvent or penetrating oils.

**HIGH-RISK VEHICLE CONTACT:** A vehicle contact in which the officers’ perception of danger is very high. Typically, these contacts involve multiple officers, ordering of vehicle occupants out one at a time, etc.

**HOT BUTTONS:** Actions, remarks, insults, or challenges that provoke an emotional and less than professional response from an officer (officer-generated barrier).

**HYDROPLANING:** Tires ride upon the water causing loss of contact with the surface of the road. Contributing factors are water depth, tire pressure, and vehicle speed.

**IMMEDIATE ACTION:** The action taken by the shooter as rapidly as possible to correct a malfunction without taking the time to analyze the cause.

**IMMEDIATE COVER:** Objects that can shield you from hostile fire and that are accessible in time of emergency. Another term for this would be “available cover.”

**IMMINENT THREAT:** An impending likelihood of trouble; in this context, “Imminent Threat” of death or great bodily harm to you or another is a justification for the use of deadly force.

**IMPACT WEAPON:** (Baton) Weapon whose force is manifested by blunt force caused by striking.

**IN-BATTERY:** The position of the barrel of a weapon when it is ready to fire. An “in-battery reload” of an auto pistol is one where a round is in the chamber, the slide is forward, and the magazine is removed and exchanged for a fully loaded one.

**INCIDENT RESPONSE:** A model of systematic approach for proper police action (RESPOND).

**INERTIA FORCE:** The tendency of a body to resist acceleration; the tendency of a body at rest to remain at rest or a body in motion to stay in motion in a straight line unless disturbed by an external force.

**INITIAL APPROACH:** Considerations of an officer before making contact.

**INTENT:** The act or fact of intending, as to do something; intent is a necessary element in most crimes.

**INTERVENTION OPTIONS:** An element of Disturbance Resolution in DAAT containing five modes in which an officer can intervene with a subject.

**INVISIBLE DEPLOYMENT:** Remaining out-of-sight or undetected by the perpetrator while establishing a perimeter or preparing to confront the suspect.

**JACKET:** The metal covering over the lead core of the bullet, found in ball and hollow point ammunition.

**KINETIC ENERGY:** The energy possessed by a body in motion. Kinetic energy =  $\frac{1}{2}$  mass x velocity<sup>2</sup>.

**LANDS:** The interior surface of a gun barrel between the grooves.

**LATERAL MOVEMENT:** Movement side to side; in this context, usually a quick move to one side or another to take advantage of available cover.

**LEAD FOULING:** A deposit of lead left in the rifling grooves of a firearm after prolonged firing of lead bullets. Eventually has a detrimental effect upon accuracy if not removed, and is the reason for the adoption of jacketed compound bullets.

**LEAPFROGGING:** A movement technique where officers alternate moving and covering the moving officer.

**LIABILITY:** Direct civil is the liability that is imposed upon a person for causing injury to another through negligent or willful misconduct. Vicarious civil is the liability that is imposed upon one who is without personal fault or complicity because of the relationship that person bears towards the person who actually performed the wrongful act or omission.

**LOAD:** To place ammunition into the chamber of a gun.

**LOOK-SHOOT:** A technique for traverse fire on multiple targets, where the shooter engages the first target, looks to visually locate the second target, and then swings the weapon to fire on the second target. The "Look-Shoot" technique prevents an officer from "over-running" the target when traversing.

**MAGAZINE:** That part of a gun or firearm that holds ammunition ready for chambering.

**MAGAZINE DISCONNECT SAFETY:** A safety device on some semi-auto firearms: a linkage that disconnects the trigger mechanism when the magazine is removed, preventing fire even when a round is chambered.

**MAGAZINE RELEASE:** A button or switch depressed or moved in order to remove the magazine from the weapon.

**MAGAZINE WELL:** That opening in the receiver of a rifle or in the grip of an auto pistol where the magazine is inserted.

**MAINSRING:** That spring which furnishes energy to the hammer or striker.

**MALFUNCTION:** Any mechanical interruption in the cycle of operation of a weapon, which may or may not keep it from firing.

**MASTER EYE:** Also, "Dominant Eye," is the eye that takes control during binocular vision (both eyes open). Most people have the master eye on the

same side as their master hand. Some individuals are “cross dominant” meaning that the master eye is on the opposite side from their master hand.

**MEDIATION:** A conflict resolution strategy to assist disputants in voluntarily reaching a mutually acceptable decision.

**MENTAL CONDITIONING:** The preparation of the driver to deal with the psychological, physiological, and environmental conditions that may be encountered while operating a motor vehicle.

**METERING:** Also known as “slicing the pie.” Taking small views of a potential threat area to locate suspects while limiting your own exposure; performed during a “Threshold Evaluation” and at other times.

**MUTUAL AID:** Upon the request of any law enforcement agency, personnel from another law enforcement agency may assist the requesting agency within their jurisdiction and upon that request the assisting officer shall have full police powers within the requesting jurisdiction, including all protections for the officer such as worker’s compensation.

**MUZZLE:** The end of the barrel of a gun from which the bullet or projectile emerges.

**MUZZLE BLAST:** Sudden air pressure exerted at the muzzle of a weapon by the rush of hot propellant gases and air upon firing.

**MUZZLE VELOCITY:** The speed of a bullet, relative to the gun, at the instant it leaves the muzzle. Usually expressed in feet per second (fps).

**MUZZLE WHIP:** The tendency of the muzzle to climb in recoil.

**MOMENTUM:** The product of a body’s mass times velocity. An amount of motion; it is the property of a moving body which determines the length of time required to bring it to a rest.

**NEGLIGENCE:** For civil litigation in some states, it is the failure of a law enforcement officer to conform his or her conduct to the standard of a reasonable law enforcement officer under the same or similar circumstances.

**NEWTON’S FIRST LAW OF MOTION:** Every body continues in its state of rest or of uniform motion in a straight line unless acted upon by another force.

**NEWTON’S SECOND LAW OF MOTION:** A change of motion is proportional to force applied and takes place in the direction of the line of action of the force.



**NEWTON'S THIRD LAW OF MOTION:** To every action there is always an equal and opposite reaction.

**NOMENCLATURE:** A set or system of names or symbols given to items of equipment as a means of classification and identification.

**NON-APPROACH VEHICLE CONTACT:** A vehicle contact in which the officer does not approach the subject vehicle, because of an increased perception of threat. The officer may order the driver out of the vehicle or wait for backup before making contact.

**NON-CRITICAL MALFUNCTION:** A malfunction that the shooter can clear in the field without assistance.

**NON-EMERGENCY DRIVING:** All operations of a vehicle in other than an emergency or pursuit mode, as defined herein.

**OBJECTIVELY REASONABLE:** The standard by which many actions of a police officer are judged: Would your actions be judged appropriate by a reasonable person based on the totality of circumstances and the information known to you at that time?

**OFFICER/SUBJECT FACTORS:** Some of the criterion used in evaluating a subject and selecting the appropriate response option. How officer(s) "match up" to the subject, how many officers are there compared to the number of subjects, as well as age, size, relative strength, and skill.

**OUT-OF-BATTERY:** When the action of the weapon is open and the gun is unable to fire.

**OVERSTEER:** The characteristic of a vehicle to tighten its turning radius as the rear end slips to the outside of the curve. This is normally caused by too much steering input by the driver.

**PANIC BRAKING:** Loss of vehicular control due to driver-induced sudden locking of all wheels.

**PARASYMPATHETIC NERVOUS SYSTEM:** That component of the nervous system that controls the functions of the body under normal, non-stressful conditions.

**PASSIVE RESISTANCE:** Non-compliant and non-threatening behavior.

**PERCEPTION:** (1) Awareness of objects and other data through the medium of the senses, and (2) having insight or intuition as an abstract quality.

**PERIMETER:** Formed when officers surround a location to prevent the escape of a suspect and/or contain the threat posed by the suspect.

**PERSONAL DISTANCE:** Within 10 feet distance from a subject.

**PHYSICAL FORCE:** Intervention using bodily activity or equipment.

**PHYSICAL INTERVENTION:** To establish and maintain control with the use of specific psychomotor skills.

**PINCER GRIP:** Encircling with the thumb and middle finger.

**PISTOL:** A handgun using the energy of a discharged cartridge to eject the fired cartridge and load a live cartridge into the chamber while recocking the action.

**POINT OF AIM:** That place on the target the shot is intended to go; at the top of the front sight if proper alignment between the front and rear sights is obtained.

**POLICE JARGON:** Specialized or technical language of the law enforcement/criminal justice profession.

**POP:** "Provoke Other People"; an officer-generated barrier.

**POSITION OF ADVANTAGE:** Provides the officer the ability to escalate force in order to maintain control.

**POWDER:** A slang term for gunpowder.

**PRE-ATTACK POSTURES:** Behaviors that may indicate imminent danger of physical assault.

**PRECLUSION:** The officer reasonably believes all other options have been exhausted or would be ineffective.

**PRESENCE:** A person's bearing which appears self-assured and effective and commands respectful attention.

**PRESUMED COMPLIANCE:** An officer-generated barrier exhibited by officer complacency when dealing with human behavior.

**PRIMARY THREAT:** The adversary armed with the most dangerous weapon or the one immediately capable of inflicting great bodily harm or death.

**PRIMER:** The sensitive component in the base of the cartridge that when struck by the firing pin explodes and ignites the propellant charge in the cartridge case.

**PRIVILEGE:** Section 939.45, Wis. Stats., states certain conduct is defensible from prosecution under certain circumstances. The defense of privilege can be claimed: conduct is in defense of persons or property, conduct is in good faith, and conduct is a reasonable accomplishment of a lawful arrest.

**PROFESSIONAL:** An individual that exhibits behavior and traits expected within their profession.

**PROJECTILE:** An object, such as a bullet, projected by an applied exterior force and continuing in motion by its own inertia.

**PROXEMICS:** The relationship of distance and relative positioning.

**PSYCHOMOTOR:** Of or pertaining to a response involving both the brain and motor activity.

**PUBLIC EYE/PUBLIC RECORDS:** Revealed to or open to knowledge or judgment of community.

**PURSUIT:** An event involving a peace officer attempting to apprehend a person in a motor vehicle while that person is trying to avoid capture by willfully failing to yield to the officer's signal to stop. It also includes the catching or closing the distance between a police vehicle and the violator's vehicle under circumstances where the person is not yet aware of the police action.

**RANGE:** A prescribed area where weapon firing is conducted.

**REACTION TIME:** The amount of time it takes for a person to react to a particular stimulus. Fatigue and use of drugs or alcohol may affect reaction time. The total length of time it takes for the brain to receive the information from the senses, make a decision, transmit the decision to the appropriate muscles, and for the muscles to respond.

**R.E.A.C.T.:** A systematic dispute resolution strategy (see arbitration).

**REACTION SIDE:** Non-firearm side.

**RECEIVER:** The basic unit of a firearm that the barrel and other components are attached. (Also referred to as the "frame.")

**RECOIL:** The backward movement of a firearm caused by the pressure of the propellant gases pushing against the bullet being propelled forward when the firearm is discharged.

**RECOIL SPRING:** A spring in a semi-automatic weapon which cushions the rearward movement of the slide or bolt and returns it to the forward position; the

spring that returns the action into battery after the discharge of a chambered round.

**RECOIL SPRING GUIDE ROD:** A rod the recoil spring rides on to prevent kinking. Not all auto pistols have recoil spring guide rods.

**RECOVERY:** A procedure to follow after drawing your weapon that allows you to: evaluate the threat, look around to check the environment for adversaries, break tunnel vision, decock if needed and remove your finger from the trigger guard prior to reholstering.

**RESISTIVE TENSION:** Level of agitation in a subject's body.

**R.E.S.P.O.N.D.:** A systematic seven-step response for law enforcement to an incident.

**RESPONDING SKILLS:** A component of Active Listening using verbal skills to illustrate understanding of what people are expressing and feeling.

**REVOLVER:** A handgun having a rotating cylinder carrying several rounds of ammunition, each round being in a chamber that comes into alignment with the barrel before the round is fired.

**RIFLED SLUG:** A slug (see) with rifling grooves to stabilize the trajectory.

**RIFLING:** Spiral grooves cut into the interior of a gun barrel to spin the bullet and impart gyroscopic stabilization to it. The degree of twist of the rifling depends upon the weight and length of the bullet fired from the weapon.

**ROLLOVER PRONE:** A modified prone position that results in greater shooter comfort and accuracy at extended ranges; also maximizes the use of available cover.

**SAFETY:** (1) The state of being safe from threat, personal injury, and danger or loss, and (2) any device or mechanism that locks or blocks the trigger or hammer so that a firearm cannot be discharged.

**SEAR:** Part of the firing mechanism of a weapon, linked to the trigger, which engages on the striker, firing pin, hammer or bolt, and is withdrawn from engagement to fire the weapon.

**SELF-DEFENSE:** The act of defending one's person by physical force (§ 939.48, Wis. Stats.). *"The actor may intentionally use only such force or threat thereof as he or she reasonably believes is necessary to prevent or terminate the interference. He or she may not intentionally use force which is intended or likely to cause death or great bodily harm unless he or she reasonably believes that*

*such force is necessary to prevent imminent death or great bodily harm to him- or herself or another.”*

**SHOULDER SHIFT:** Pre-attack posture.

**SIGHT:** A device on a firearm to view the target and give proper direction to the projectile.

**SIGHT ALIGNMENT:** The relationship of the front and rear sights with each other. An ideal sight alignment has the top of the front sight level with the top of the rear sight and the front sight is evenly centered in the rear sight notch.

**SIGHT PICTURE:** The relationship between sight alignment and the target.

**SIGHTING IN:** The adjustment of a weapon sight so that the bullet will strike the point of aim at some specified distance.

**SILENT EMERGENCY:** An emergency situation in which police do not use a siren or other audible signal in response to a crime.

**SINGLE ACTION:** A mode of firing in which the hammer is manually cocked and then released by trigger pressure.

**SKID:** Loss of traction between the tire surface and the road surface. *Cornering skid* is the loss of traction in negotiating a curve or a turn at a speed faster than can be sustained by the tire-road cornering traction limits. *Power skid* is the loss of traction when excessive power is applied, causing the drive wheels to spin and no longer provide traction. A *secondary skid* is one in the opposite direction of the original skid.

**SLIDE:** In automatic pistols, the device which positions the barrel, acts as the breech, and slides back and forth on the frame or receiver.

**SLIDE STOP:** A lever on an automatic pistol that holds the slide open, usually after the last round has been fired. Allows the slide to go forward when depressed. Sometimes called a “Slide Release” or “Slide Catch” or “Slide Lock.”

**SLUG:** A single ball projectile, weighing between 7/8 and 1-1/4 ounce, used in shotguns when the situation requires better long range accuracy and/or penetration ability than is possible with a multiple projectile load like buckshot.

**SPACE CUSHION:** The open area surrounding a vehicle while it is in motion, or an “escape route” to the front, rear, and sides.

**SPACE MANAGEMENT:** The driver selection of the best speed control, path of travel, or communication technique to maximize control of the space surrounding the vehicle.

**SPECIAL CIRCUMSTANCES:** Factors or situation that may justify rapid escalation of force or selection of higher force options.

**STEP SLIDE:** A movement technique used to minimize the possibility of stumbling or tripping over your own feet.

**STOPPAGE:** Any unintentional interruption in the cycle of operation.

**STRONG SIDE:** Firearm side.

**SUBJECT DEBRIEFING:** A procedure to calm and attend to an individual after the use of physical intervention.

**SYMPATHETIC NERVOUS SYSTEM:** The component of the nervous system that controls the functions of the body under conditions of great stress or danger and that regulates the involuntary reactions to stress.

**TANG:** The curved portion at the top of the back strap of an automatic pistol that sweeps back over the web of the firing hand.

**TARGET ACQUISITION:** The process of locating your adversary.

**TARGET ASSESSMENT:** Analyzing the situation and choosing the proper response option.

**TARGET IDENTIFICATION:** The process of identifying the subject as the adversary that is placing you and/or others in "imminent danger."

**TARGET ISOLATION:** The process of separating the subject from innocent persons.

**TARGET SPECIFIC DIRECTED FIRE:** Purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe.

**TEAM TACTICS:** Unity of effort between two or more officers attempting to control a subject.

**THRESHOLD BRAKING:** The technique of applying brake pedal pressure just to the point of lockup (the threshold) and maintaining the pressure at that point. Generates maximum braking power and maintains steerability.

**THRESHOLD EVALUATION:** The use of “metering” through a doorway or other funnel, to assess the area beyond the threshold.

**TOTALITY OF THE CIRCUMSTANCES:** Represents all information known to the officer at the moment action is taken and the facts used to judge the appropriateness of the action.

**TRAIL BRAKING:** The technique of gradually reducing brake pressure after the car has begun to turn into the corner.

**TRAINING AND EXPERIENCE:** The sum total of an officer’s life experiences and training.

**TRAVERSE FIRE:** The process of engaging multiple targets using the “Look-Shoot” technique.

**TRIGGER:** The mechanism that is actuated by the finger and that releases the hammer or firing pin.

**TRIGGER CONTROL:** The ability to pull the trigger smoothly without disturbing the proper alignment of the sights.

**TRIGGER GUARD:** A curved piece of metal, attached to the frame, which surrounds and protects the trigger.

**TRIGGER LOCK:** A safety device that fits over the trigger guard and immobilizes and prevents access to the trigger. It is a good safety device for firearms storage.

**TRUE EMERGENCY:** A situation in which there is a high probability of death or serious injury to an individual, or significant property loss, and action by an emergency vehicle operator may reduce the seriousness of the situation.

**TUNNEL VISION:** A narrow arc of vision an individual experiences under stress. The lens of the eye flattens to give sharper vision, but this cuts down on peripheral vision. (Peripheral vision is a wide arc of vision that allows a person to see objects to the right and left of center.) To avoid this, you have to consciously look around during a confrontation to avoid visually “locking in” on one adversary and missing others that may present a threat.

**TURN-IN POINT:** The spot at the entrance of a turn at which the driver first turns the steering wheel to initiate the cornering sequence.

**UNCOOPERATIVE SUBJECT:** A person who will not comply with verbal direction.

**UNIFIED TACTICAL TRAINING:** Wisconsin's integrated system of training in verbal and physical skills and concepts.

**UNLOAD:** To remove the round from the chamber and/or remove the magazine.

**UNSUPPORTED SHOOTING:** Firing with only one hand.

**UNWANTED DISCHARGE:** An unintended firing of a weapon caused by error or carelessness on the part of the operator and not attributable to a mechanical malfunction or breakage.

**VEHICLE CONTROL:** Developing an understanding of the principles and developing the proficiency pertaining to the successful operation of vehicles under all driving conditions.

**VEHICLE DYNAMICS:** Any force or condition that effects the path of a vehicle in motion.

**VEHICLE, MARKED:** An authorized emergency vehicle equipped with an emergency roof light or emergency lights mounted in the grill area, or the front or rear window areas; a siren; and police agency identification decals. An unmarked vehicle may or may not be equipped with concealed emergency lights and siren, and has no visible indicators that it is a law enforcement vehicle.

**VERBAL CONTROL:** Directions issued by the officer to command the adversary what to do.

**VERBAL STUN:** A short, very loud, shouted verbal command that serves as a warning and may impede the subject's neuro-muscular function.

**VERBAL WARNING:** A clear command, followed by a contingency, which is a statement of your intended actions if your order is not obeyed.

**VERTICAL STUN:** Create dysfunction by directing the subject into a vertical surface (e.g., a wall).

**VISUALIZATION:** A process of mental rehearsal similar to directed daydreaming. In visualization, the officer imagines realistic situations that might occur and how he/she might best respond to them.

**VOLUNTARY COMPLIANCE:** Willingly submitting or yielding.

**WARNING SIGNS OF DANGER:** Your reaction in a tactical situation depends on your perception of warning signs such as the subject's sudden escalation of anger or the subject's suddenly reaching for or drawing a weapon.



**WEAPON:** Any instrument or device used for attack or defense in a fight or in combat.

**WEAVER STANCE:** A shooting position invented by Jack Weaver in 1959. The stance offers good recoil control, a stable firing platform, and mobility and flexibility in application. Components: reaction side forward, strong side back, knees slightly bent, support elbow flexed and pointing down, strong elbow locked or slightly bent, strong arm pushing out slightly, support arm pulling back slightly.

**WEIGHT TRANSFER (vehicle):** The shift in the distribution of weight on the four tires caused by a change in the car's status. The transfer of weight to the front, rear, or either side caused by acceleration, deceleration, or turning.

**WHEELBASE:** The distance from the center of the front wheels to the center of the rear wheels.

## **Risk Assessment Form Oct22.pdf**

# RISK ASSESSMENT FOR SEARCH WARRANTS AND HIGH-RISK OPERATIONS

Date:

Search Warrant

Case #:

Arrest Warrant

Officer:

Location: \_\_\_\_\_

Main Subject's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

I. Suspect Assessment	Yes	No	Unknown
<b>A. Known to use or propensity for violence:</b>			
1. Homicide			
2. Armed Robbery			
3. Assault			
4. Resisting Arrest**			
5. Assault on Peace Officer**			
6. Other:			
<b>B. Is suspect on parole?</b>			
<b>C. Are there current warrants?</b> If yes, what are they for?			
1. Felony			
2. Misdemeanor			
<b>D. Is suspect on probation?</b>			
<b>E. Is suspect a drug abuser?</b> If yes, what type(s)?			
<b>F. Is suspect an alcohol abuser?</b> If yes, does suspect have a history of violence while intoxicated?			
<b>G. Is suspect mentally unstable?</b> If yes, describe condition:  From where was this info obtained?			
<b>H. Does suspect have military/police background?***</b> If yes, describe branch of service/department, length of service, specialties, etc.			

<p><b>I. Is the suspect currently/historically associated with an organization which is known or suspected of violent criminal acts?</b>  <i>If yes, what group or organization?</i></p> <p><i>Can the organization be classified as:</i></p> <p>1. Paramilitary</p> <p>2. Terrorist</p> <p>3. Religious Extremist</p> <p>4. Gang</p> <p>5. Other:</p>			
<p><b>II. Offense Assessment</b></p>	Yes	No	Unknown
<p><b>A. Is the offense a felony?</b>  <i>If yes, list the offense:</i></p>			
<p><b>B. Is the offense a violent felony?</b></p>			
<p><b>C. Was a weapon used in the commission of the offense?</b></p>			
<p><b>D. Were victims injured during the commission of the offense?</b></p>			
<p><b>E. Was/were an officer(s) injured during the commission of the offense?</b></p>			
<p><b>III. Weapon Assessment</b></p>	Yes	No	Unknown
<p><b>A. Is suspect known or believed to possess:</b></p> <p>1. Rifle - semi-auto or bolt/lever action</p> <p>2. Rifle-full-auto*</p> <p>3. Shotgun</p> <p>4. Handgun</p> <p>5. Explosives*</p> <p>6. Knives</p> <p>7. Other:</p> <p>Type:</p>			
<p><b>IV. Site Assessment</b></p>	Yes	No	Unknown
<p><b>A. Are there geographic barriers or considerations?</b>  <i>If "yes", describe (may include upstairs apartments or rooms, terrain features, etc.):</i></p>			
<p><b>B. Is the site fortified?</b>  <i>If "yes", describe (may include barricade doors/windows, burglar bars, etc.):</i></p>			
<p><b>C. Does the site have counter surveillance personnel or monitoring?</b>  <i>If "yes", describe:</i></p>			

D. Are <b>ARMED</b> counter surveillance personnel present?*			
E. Are there more than 4 adults present at the site?			
F. Are there children, elderly persons, or handicapped persons present at the site? If "yes", describe:			

Notes:

Investigating Officer Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

Officer's Supervisor Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

SWAT Commander's Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

*All Search Warrants MUST have a "Risk Assessment" completed prior to service of the warrant unless exigent circumstances exist for immediate service. Any pre-planned operation involving a Felony Arrest Warrant SHOULD have a "Risk Assessment" completed prior to warrant service IF POSSIBLE. Copies of ALL completed "Risk Assessments" SHALL be given to and reviewed by the SWAT Commander or his designee within 24 hours of warrant service. Copies should include the actual warrant (or hit confirmation), CCH on the suspect and any other pertinent information used in completing the "Risk Assessment" for that case.*

**Exhibit A- Neenah Police Department  
Take-Home Vehicle Agreement.pdf**

EXHIBIT A  
NEENAH POLICE DEPARTMENT  
TAKE-HOME VEHICLE AGREEMENT

I, \_\_\_\_\_, have read and understand Neenah Police Department Policy 703.4. I hereby agree to uphold the provisions of this policy.

I have taken control or possession of Department vehicle # \_\_\_\_\_ with Wisconsin Registration \_\_\_\_\_, until such time as I or Department staff terminate this Agreement.

Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

Division Commander Signature \_\_\_\_\_ Date \_\_\_\_\_

Vehicle turned in on \_\_\_\_\_ to \_\_\_\_\_

## **Risk Assessment Form.pdf**



# RISK ASSESSMENT FOR SEARCH WARRANTS AND HIGH-RISK OPERATIONS

**Date:** \_\_\_\_\_

**Case #:** \_\_\_\_\_  
**Search Warrant**

**Officer:** \_\_\_\_\_  
**Arrest Warrant**

**Location:** \_\_\_\_\_

**Main Subject's Name:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

I. Suspect Assessment	Yes	No	Unknown
<b>A. Known to use or propensity for violence:</b>			
1. Homicide			
2. Armed Robbery			
3. Assault			
4. Resisting Arrest**			
5. Assault on Peace Officer**			
6. Other:			
<b>B. Is suspect on parole?</b>			
<b>C. Is suspect on probation?</b>			
<b>D. Is suspect a drug abuser?</b> If yes, what type(s)?			
<b>E. Is suspect an alcohol abuser?</b> If yes, does suspect have a history of violence while Intoxicated?			
<b>F. Is suspect mentally unstable?</b> If yes, describe condition:  From where was this info obtained?			
<b>G. Does suspect have military/police background?**</b> If yes, describe branch of service/department, length of service, specialties, etc.			
<b>H. Is the suspect currently/historically associated with an organization which is known or suspected of violent criminal acts?</b> If yes, what group or organization?			

Can the organization be classified as:			
1. Paramilitary			
2. Terrorist			
3. Religious Extremist			
4. Gang			
5. Other:			
<b>II. Offense Assessment</b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
A. Is the offense a felony? <i>If yes, list the offense:</i>			
B. Is the offense a violent felony?			
C. Was a weapon used in the commission of the offense?			
D. Were victims injured during the commission of the offense?			
E. Was/were an officer(s) injured during the commission of the offense?			
<b>III. Weapon Assessment</b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
A. Is suspect known or believed to possess:			
1. Rifle - semi-auto or bolt/lever action			
2. Rifle-full-auto*			
3. Shotgun			
4. Handgun			
5. Explosives*			
6. Knives			
7. Other: Type:			
<b>IV. Site Assessment</b>	<b>Yes</b>	<b>No</b>	<b>Unknown</b>
A. Are there geographic barriers or considerations? <i>If "yes", describe (may include upstairs apartments or rooms, terrain features, etc.):</i>			
B. Is the site fortified? <i>If "yes", describe (may include barricade doors/windows, burglar bars, etc.):</i>			
C. Does the site have counter surveillance personnel or monitoring? <i>If "yes", describe:</i>			
D. Are <u>ARMED</u> counter surveillance personnel present?*			
E. Are there more than 4 adults present at the site?			
F. Are there children, elderly persons, or handicapped persons present at the site? <i>If "yes", describe:</i>			

Investigating Officer Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

Officer's Supervisor Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

SWAT Commander's Signature: \_\_\_\_\_ ID#: \_\_\_\_\_ Date: \_\_\_\_\_

*All Search Warrants MUST have a "Risk Assessment" completed prior to service of the warrant unless exigent circumstances exist for immediate service. Any pre-planned operation involving a Felony Arrest Warrant SHOULD have a "Risk Assessment" completed prior to warrant service IF POSSIBLE. Copies of ALL completed "Risk Assessments" SHALL be given to and reviewed by the SWAT Commander or his designee within 24 hours of warrant service. Copies should include the actual warrant (or hit confirmation), CCH on the suspect and any other pertinent information used in completing the "Risk Assessment" for that case.*

## **NPD Strip Search Athorization 1.1.JPG**

## 10 Codes.pdf

## 10-Codes

10-1	UNABLE TO COPY/CHANGE LOCATION	10-69	MESSAGE RECEIVED
10-2	SIGNALS GOOD	10-70	FIRE ALARM
10-3	STOP TRANSMITTING	10-71	ADVISE NATURE OF FIRE
10-4	ACKNOWLEDGE	10-72	REPORT PROGRESS OF FIRE
10-5	RELAY	10-73	SMOKE REPORT
10-6	BUSY-STAND BY UNLESS URGENT	10-74	NEGATIVE
10-7	OUT OF SERVICE	10-75	IN CONTACT WITH
10-8	IN SERVICE	10-76	EN ROUTE
10-9	REPEAT	10-77	ETA
10-10	FIGHT IN PROGRESS	10-78	NEED ASSISTANCE
10-11	DOG CASE	10-79	CORONER
10-12	STAND BY	10-80	CHASE
10-13	WEATHER AND ROAD REPORT	10-81	INTOXILYZER
10-14	REPORT OF PROWLER	10-82	RESERVE LODGING
10-15	CIVIL DISTURBANCE	10-83	SCHOOL CROSSING
10-16	DOMESTIC DISTURBANCE	10-84	IF MEETING _____, ADVISE ETA
10-17	MEET COMPLAINANT	10-85	DELAYED
10-18	COMPLETE ASSIGNMENT QUICKLY	10-86	MEAL BREAK
10-19	RETURN TO: _____	10-87	PICKUP/DISTRIBUTE CHECKS
10-20	LOCATION	10-88	ADVISE TELEPHONE NUMBER/CONTACT
10-21	TELEPHONE CALL	10-89	BOMB THREAT
10-22	DISREGARD	10-90	BANK ALARM
10-23	ONSCENE	10-91	PICK UP PRISONER
10-24	ASSIGNMENT COMPLETED	10-92	IMPROPERLY PARKED VEHICLE
10-25	REPORT IN PERSON TO: _____	10-93	BLOCKADE
10-26	DETAINING SUBJECT, EXPEDITE	10-94	DRAG RACING
10-27	DRIVERS LICENSE INFORMATION	10-95	SUBJECT IN CUSTODY
10-28	VEHICLE REGISTRATION INFORMATION	10-96	MENTAL SUBJECT
10-29	CHECK RECORDS FOR WANTED	10-97	CHECK SIGNAL
10-30	UNNECESSARY USE OF RADIO	10-98	PRISONER/JAIL BREAK
10-31	CRIME IN PROGRESS	10-99	RECORDS INDICATE WANTED/STOLEN
10-32	MAN WITH A GUN	10-100	PERSONAL BUSINESS
10-33	EMERGENCY	10-103	SUICIDE
10-34	RIOT		
10-35	MAJOR CRIME ALERT		
10-36	CORRECT TIME		
10-37	SUSPICIOUS PERSON OR VEHICLE		
10-38	STOPPING SUSPICIOUS VEHICLE		
10-39	URGENT USE LIGHT AND SIREN		
10-40	SILENT RUN NO LIGHTS OR SIREN		
10-41	ON DUTY		
10-42	OFF DUTY		
10-43	INFORMATION		
10-44	PERMISSION TO LEAVE PATROL FOR: _____		
10-45	ANIMAL CARCUS IN ROADWAY		
10-46	ASSIST MOTORIST		
10-47	EMERGENCY ROAD REPAIRS NEEDED		
10-48	TRAFFIC STANDARD NEEDS REPAIR		
10-49	TRAFFIC LIGHT OUT		
10-50	TRAFFIC CRASH		
10-51	WRECKER NEEDED		
10-52	AMBULANCE NEEDED		
10-53	ROAD BLOCKED		
10-54	LIVESTOCK IN ROADWAY		
10-55	INTOXICATED DRIVER		
10-56	INTOXICATED PEDESTRIAN		
10-57	HIT AND RUN		
10-58	DIRECT TRAFFIC		
10-59	ESCORT		
10-60	SQUAD IN VICINITY		
10-61	PERSONNEL IN AREA		
10-62	REPLY TO MESSAGE		
10-63	PREPARE TO MAKE WRITTEN COPY		
10-64	MESSAGE FOR LOCAL DELIVERY		
10-65	NET MESSAGE ASSIGNMENT		
10-66	MESSAGE CANCELLATION		
10-67	CLEAR TO READ NET MESSAGE		
10-68	DISPATCH INFORMATION		

## **ACTION PLAN.pdf**

## NEENAH POLICE DEPARTMENT ACTION PLAN

Identify actions that will help employee improve performance. Identify what the employee can do to develop and improve in areas previously discussed.

[illegible]



## **EPP Facility Admission Guide and Associated Documents 4.22.15.xlsx**

## **Elder and Adult At Risk Referral Form.pdf**

**Winnebago County Department of Human Services Elder/Adult at Risk Referral**

☐ Adult At Risk (Age 18-59)  
☐ Elder Adult At Risk Referral (Age 60+)

Referent Name:

Referral Date:

Agency:

Position:

Phone #:

---

Client Name:

DOB:

Phone #:

Client Address:

Type of Living Arrangement:

Living alone: Yes ☐ No ☐

Guardian/Substitute Decision Maker in Place: ☐ Yes ☐ No

If yes, Name of Decision Maker:

Address:

Phone #:

Decision Maker Type: ☐ Grdn of Estate ☐ Grdn of Person ☐ Activated POA-HC ☐ Activated POA-Finances

Client Characteristics/Diagnosis:

Referral Information:

Location of Incident:

Action Taken/Services Planned:

---

Alleged Abuser Info: Name:

Address:

DOB, if known: Age: Actual: ☐ Yes ☐ No

Living with Elder/Adult At Risk: ☐ Yes ☐ No

Legal Relationship to Elder/Adult At Risk:

Characteristics/Diagnosis:

Caregiver of Elder/Adult At Risk: ☐ Yes ☐ No

Other information if you were following up on referral:

When completed **Fax** to Winnebago County Department of Human Services **APS Team** at: **920-424-7521**

## **Adults-at-Risk-Laws-10.06.pdf**

# **Wisconsin's Elder Abuse and Adult at Risk Reporting Law**

**Attorney Betsy Abramson – October 2006**

Special thanks to Jane A. Raymond, MS, Wisconsin DHFS's Advocacy and Protection Systems Developer and Attorney Ellen Henningsen, CWAG Elder Law Center, for their assistance with this outline.

**NOTE: Changes in the law as a result of 2005 Act 388 (2005 AB 539) will become effective 12/1/06 and are noted below by the symbol “▲”**

## **I. INTRODUCTION**

- A. Abuse and neglect of the elderly and people with disabilities is a problem that has been acknowledged as a national issue.
- B. National statistics indicate at least 4% of the over 60 population will be abused or neglected sometime during their later years.
- C. While originally researchers believed that the majority of elder abuse was caused by "caregiver stress," more recent studies conclude that most elder abuse is a result of the same "power and control" factors as is other domestic violence.
- D. In fact, research indicates that elders with frailties are no more likely to be abused than elders without frailties.
- E. Additionally, while originally researchers believed that victims were dependent on their abusers, more recent research indicates that in fact the ABUSERS are dependent on their victims, whether for emotional or financial support.
- F. Other theories as to why elder abuse occurs include: caregiver stress; dependency of victim on abuser; abuser psychopathology, including alcohol and other drug abuse, mental illness, etc.; and transgenerational violence (violence in previous generations observed or experienced by abuser thus making violence appear to be a "normal" response and/or violence as learned behavior). Note that current research does not support retaliation/intergenerational theory of family violence as an explanation for elder abuse.

## **II. THE WISCONSIN [ELDER] ADULT-AT-RISK ABUSE LAW - 1983 Wis. Act. 398, § 46.90, Wis. Stats. and 2005 Wis. Act 388 (Act 388 makes significant changes to both § 46.90 and ch. 55, Wis. Stats.)**

- A. Wisconsin-mandated development of a statewide system for reporting elder abuse to begin in 1985.
- B. The law requires each of Wisconsin's 72 counties to participate in the system and to provide an Elder Abuse Helpline telephone number, for elders, age 60+.
- C. ▲ As of 12/1/06, counties will be required to identify a lead “elder adult at risk agency” and an “adult at risk agency.”

1. This may be the same agency.
2. The agency does not need to have the term “adult at risk” in its name; rather, county boards must designate the agency that will take the lead in receiving and responding to allegations.

**D. Responsibility for Implementation – State Level – Wisconsin Department of Health and Family Services assigned responsibility for: (1) coordination of system design and implementation; (2) provision of on-going consultation when required; and (3) monitoring of progress and needs. Wis. Stats. § 46.90(8) Accordingly, they:**

1. Develop a plan to assist lead agencies in responding to reports of abuse.
2. Prepare and distribute sample report forms for county use.
3. Collect statistical information from each county pertaining to reported cases of abuse.
4. Develop and disseminate information on adult at risk abuse and the reporting system.

**E. Responsibility for Implementation – County Level**

1. County Board must designate an agency in county for local implementation of response system for both populations (i.e., age 60 and older and ages 18 to 59). Referred to as “Elder Adult-at-Risk Agency” and “Adult-at-Risk Agency” Wis. Stat. §§ 46.90(2) and ▲ 55.043(1d)
2. Five main duties of county elder adult-at-risk and adult-at-risk agencies Wis. Stat. §§ 46.90(3) and ▲ 55.043(1g):
  - a. Develop a policy for notifying other investigative agencies, including law enforcement officials in appropriate cases.
  - b. Establish an [elder] adult-at-risk reporting system. (See Reporting, at F. and G., below.)
  - c. Enter into a Memorandum of Understanding regarding operation of the system within county departments under Wis. Stat. § 46.215 (county department of social services in populous counties) or § 46.22 (county social services), and with any private or public agency, including county § 51.42 board (community mental health, developmental disabilities, alcoholism and drug abuse services) or § 51.437 (developmental disabilities services) that is participating in the elder abuse reporting system. (Memorandum of Understanding, at a minimum, must identify agencies responsible for investigation and for provision of specific direct services.)
  - d. Receive reports of abuse, financial exploitation, neglect or self-neglect of adults at risk.

- e. Publicize the existence of the adult-at-risk reporting system in the county and provide a publicized telephone number that can be used by persons to report suspected cases.

**F. Who is Reportable?** “Elder Adult at Risk” and “Adult at Risk Abuse”: Wis. Stat. §§ ▲46.90(1) and ▲55.01(1), (2s), (4) and (6)

1. An “**elder adult at risk**” is “a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.” § 46.90(1)(br).
2. An “**adult at risk**” is “any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect or financial exploitation.” § 55.01(1e).

NOTE: who can be reported is only the “top of the funnel.” What actually happens to or for that individual depends on other factors such as competence, present risk, available supports and funding.

**G. What is reportable?**<sup>1</sup>

1. Abuse – §§ 46.90(1)(a) and 55.01(1) include the following:
  - i. Physical abuse<sup>2</sup>
  - ii. ▲ Emotional abuse<sup>3</sup>
  - iii. ▲ Sexual abuse<sup>4</sup>
  - iv. ▲ Treatment without consent<sup>5</sup>
  - v. ▲ Unreasonable confinement or restraint<sup>6</sup>
2. ▲ Financial Exploitation<sup>7</sup> – replaces less descriptive term “material abuse”

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<sup>1</sup> § 46.90(1)(a); 55.01(1).

<sup>2</sup> “Intentional or reckless infliction of bodily harm”

<sup>3</sup> “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.

<sup>4</sup> “Violation of §§ 940.225(1), (2), (3) or (3m) (criminal sexual assault law), § 46.90(1)(gd)

<sup>5</sup> “...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.” § 46.90(1)(a)h; § 55.01(1).

<sup>6</sup> “...includes the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining device, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices, in entities regulated by the department if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint.” § 46.90(1)(i)

<sup>7</sup> “...any of the following: 1. 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 or her will without his or her informed consent; 2. Theft under § 943.20; 3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities; 4. Unauthorized use of an individual’s personal identifying information or documents, as prohibited in § 943.201; 5. Unauthorized use of an

3. ▲ Neglect<sup>8</sup>

4. Self-Neglect<sup>9</sup>

## H. Who Reports?

1. Voluntary Reporting: Any person may report possible abuse, financial exploitation or neglect, if aware of facts or circumstances that would lead a reasonable person to suspect abuse, financial exploitation, neglect or self-neglect of an adult at risk...has occurred..." Wis. Stat. § 46.90(4)(a)1 and 55.043(1m)(br)
  - a. Wisconsin has always had, and will generally retain, a voluntary reporting system.
  - b. Voluntary rather than mandatory reporting was selected based on this state's commitment to an adult's right to self-determination.
  - c. An attorney or a person working under the supervision of any attorney may report abuse of an [elder] adult at risk. §§ 46.90(4)(ar) & 55.043 (1m)(br).<sup>10</sup>
  - d. Note that financial institution employees are also permitted reporters.<sup>11</sup>
  - e. Although the law requires counties to provide a means for anyone to report abuse, neglect or exploitation, certain professionals, such as health care providers or social workers, are now required to report egregious situations.<sup>12</sup> (See number 3 below.)

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entity's identifying information or documents, per § 943.203; 6. Forgery, per § 943.38; or 7. Financial transaction card crimes, per § 943.41.

<sup>8</sup> "...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 that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. 154, a power of attorney for health care under ch. 155, or as otherwise authorized by law." §§ 46.9(1)(f), 55.01(4r)

<sup>9</sup> "...a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care." § 46.90(1)(g)m 55.01(6)

<sup>10</sup> Attorneys: Note that the new Ethics Rule, at SCR 20:1.14(b), if codified as proposed, specifically permits taking protective action for a client with diminished capacity (e.g., reporting concerns of abuse, neglect, self-neglect) and at 20:1.14(c) states that doing so is implicit authorization under SCR 20:1.6's otherwise strict rule of attorney-client confidentiality.<sup>10</sup>

<sup>11</sup> These professionals remain voluntary reporters and are permitted to report suspected financial exploitation (or other abuse) by federal law. Federal law provides a "safe harbor." "Any financial institution that makes a disclosure of any possible violation of law or regulation or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure." 31 U.S.C. sec. 5318 (g) (3).

<sup>12</sup> Prior to this requirement, certain professionals' licensing requirements (confidentiality requirements) would have precluded reporting.



2. Mandatory Reporting: The Caregiver Reporting System imposes a reporting requirement on regulated entities to report misconduct by caregivers. § 146.40(4r), Wis. Stats.
3. **▲ NEW: Required Reporting in Limited Circumstances**: 2005 Act 388 requires the following professionals to report. [See below, *if i.-iii, unless d.*] §§ 46.90(4)(ab) and (ad) and 55.043(1m)(a), Wis. Stats.
  - a. An employee of any entity that is licensed, certified, or approved by, or registered with DHFS
  - b. A health care provider as defined in s.155.01(7)<sup>13</sup>
  - c. A social worker, professional counselor, or marriage and family therapist certified under ch. 457

The above individuals must file a report *if* the elder adult at risk or adult at risk is seen in the course of the person's professional duties *and*

- i. The elder adult at risk or the adult at risk has requested the person to make the report *or*
  - ii. There is reasonable cause to believe that the elder adult at risk or the adult at risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss *and* is unable to make an informed judgment about whether to report the risk; *or*
  - iii. other adults at risk are at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by the suspected perpetrator;
- d. *EXCEPTION: No reporting required if* the professional believes that filing the report would not be in the best interest of the elder adult at risk or the adult at risk and documents the reasons for their belief in the case file of the suspected victim.
  - e. Above professional who intentionally fails to report may be fined up to \$500 or imprisoned for up to six months. §§ 46.90(4)(e), 55.043(9m)(e)

## I. Where To Report?

- A. County social / human services department
- B. Elder-adult-at-risk / adult-at-risk agency

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<sup>13</sup> Nurse, chiropractor, dentist, physician, physician assistant, perfusionist, podiatrist, physical therapist, occupational therapist, occupational therapy assistance, person practicing Christian Science treatment, optometrist, psychologist, and certain health care corporations and operational cooperative sickness care plans.

- C. DHFS if suspected abuse is by employee of regulated facility (or entity itself)
- D. State or local law enforcement agent
- E. Board on Aging and Long Term Care
- §§ 46.90(4)(ar) and 55.043((1m)(br).
- F. Additional agencies to consider reporting directly to:
  - Register in Probate – if believe abuse is by guardian
  - Office of Lawyer Regulation – if believe abuse is by an attorney
  - Department of Regulation and Licensing, if believe abuse is by a credentialed individual
    - Licensing, permitting, registration or certification authorities or other regulatory bodies if residence, facility, or program where suspected abuse occurring should be licensed, permitted, registered, or certified or is otherwise regulated.

#### **J. Immunity Provisions for Good Faith Reporters**

1. ▲ Immunity provisions apply to both voluntary and required reporters. Immunity provisions apply if filed with incorrect agency but reporter had a good faith belief that the initial report was filed appropriately §§ 46.90(4)(ar) and (c); 55.043(1m)(d).
2. ▲ Penalty for retaliating against a reporter increased to \$10,000. §§ 46.90(9)(d); 55.043(1m) & (9m).
3. ▲ Rebuttable presumption created that any discharge or act of retaliation or discrimination taken against a reporter within 120 days after the report is made is retaliatory. §§ 46.90(4)(b)1.cm & 55.043(1m)(c).

#### **K. Response / Investigations / Tools Available - §§ 46.90(5)(b) and 55.043(1r)(b)**

1. Response must begin within 24 hours, not counting weekends and holidays, for any report of suspected abuse, financial exploitation, neglect or self-neglect.<sup>14</sup>
2. ▲ Reports regarding clients of entities regulated by DHFS will be referred to DHFS for investigation if suspect is caregiver or non-client resident of the entity. §§ 46.90 (5)(a)1 and 55.043(1r)(a)1g.
3. ▲ Authorizes multi-agency response, including strengthening law enforcement involvement; authorizes exchange of investigative information and reports with appropriate agencies.

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<sup>14</sup> Until December 1, 2006, county agencies have five days to begin a response to financial exploitation.

4. Adult-at-risk Agency<sup>15</sup> response may include one or more of following:
- a. Visit to resident of adult at risk
  - b. ▲ Observation of adult at risk, with or without consent of guardian or agent under activated power of attorney for health care.
  - c. ▲ Interview with adult at risk, in private to extent practicable, with or without consent of guardian or agent under activated power of attorney for health care.
  - d. ▲ Interview with guardian or agent under activated power of attorney for health care or with any caregiver of adult at risk
  - e. Review of treatment and patient health care records of adult at risk
  - f. ▲ Review of any financial records of adult at risk maintained by financial institution, DHFS-regulated entity, caregiver or a member of the immediate family of adult at risk or caregiver. Records to be released without informed consent:
    - i. To adult at risk or other investigative agency, including by the financial record holder's initiating contact; or
    - ii. Under lawful order of a court of record
  - g. ▲ Adult at risk or other investigative agency may transport adult at risk for medical examination if:
    - i. Adult at risk or guardian or agent under activated power of attorney for health care consents; or
    - ii. If adult at risk is incapable of consenting and either:
      - Adult at risk has no guardian or agent under activated power of attorney for health care; or
      - Adult at risk has a guardian or agent under activated power of attorney for health care but guardian or agent is suspected of abusing, neglecting or financially exploiting the adult at risk; or
      - Examination is authorized by court order.
  - h. Immunities for all good faith efforts in investigations.
5. (Additional) Tools Available to County Adults-at-Risk Agency Workers
- a. Request a sheriff or police officer to accompany investigator or worker during visits to adult at risk residence or other assistance as needed. (If requested, law enforcement shall provide assistance, as necessary.)
  - b. ▲ Seek restraining order under §813.123 if anyone interferes with response

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<sup>15</sup> All references in this section to "adult at risk" include elder adult at risk.

or investigation or delivery of protective services. §§ 46.90(5)(d) and 55.043(3) (See e., below.)

- c. If investigator or agency worker has reason to believe that substantial physical harm, irreparable injury or death may occur to adult at risk, a request for immediate assistance in either initiating a protective services action under ch. 55 or a contact with law enforcement or another public agency, as appropriate, shall occur.
- d. ▲ If, after responding to a report, agency has reason to believe adult at risk has been subject of abuse, financial exploitation, neglect or self-neglect, the [elder] adult-at-risk agency:
  - i. shall determine whether there is a need for direct services under chs. 46, 47, 49, 51 or 880 (new ch. 54)<sup>16</sup> and if so, provide them in the least restrictive conditions necessary. §§46.90(5m) and 55.043(4)(am) and
  - ii. may:
    - (1) Request immediate assistance in initiating a protective services action under ch. 55 or contact an investigative agency, as appropriate.
    - (2) Take appropriate emergency action, including emergency protective placement, if determined this is in adult at risk's best interests and is the least restrictive appropriate intervention.
    - (3) Refer case to law enforcement officials for further investigation or district attorney, if believe a crime has been committed.
    - (4) Refer case to licensing, permitting, registration or certification authorities of DHFS or other regulatory bodies if entity or program is or should be so regulated.
    - (5) Refer case to Department of Regulation and Licensing if situation involves an individual who is required to hold a credential under chs. 440-460.
    - (6) Bring a petition for guardianship and/or protective services or placement, or review of an existing guardianship if necessary to prevent abuse, financial exploitation, neglect, self-neglect or would otherwise be at risk of serious harm because of inability to arrange for necessary food, clothing, shelter or services. §§46.90(5m)(br); 55.043(4)(b) and

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<sup>16</sup> Chapters address: Social Services; Rehabilitation for Persons with Disabilities; Public Assistance, Mental Health and Guardianship, respectively.

e. Seek an adult at risk restraining order – see b., above, for non-interference with investigation or provision of services. ▲ § 813.123

- iii. Traditional, “true” restraining order may be petitioned for by an adult at risk, his/her guardian, interested person acting on behalf of an adult at risk or adult-at-risk agency.
- iv. If someone other than the adult at risk petitions, there must be notice to the adult at risk and appointment of a GAL.
- v. Actions that may be enjoined include: interfering with investigation or provision of services, actions or threats to engage in abuse, financial exploitation, neglect, harassment, stalking of adult at risk or mistreatment of animal.

4. An adult at risk may refuse to accept services unless a guardian so authorizes. The adult at risk or other provider must notify the adult at risk of the right to refuse before providing any services. §§ 46.90(5m)(c) and 55.043(5g)

**L. Confidentiality of Reports and Records ▲ §§ 46.90(6) and ▲ 55.043(6)**

- 1. Makes distinction between “reports” and “records” and distinguishes where each can be released.
  - a. “Reports”– are documentation of an agency’s response to a report and the investigation response that provides a summary of case, including DHFS-submitted report.
  - b. “Records” are any document relating to the response, investigation, assessment and disposition of a report.” i.e., “Records” bigger than “report.”
- 2. Release of “reports” generally same, but adds government agencies needing reports to carry out responsibilities related to protecting adults at risk and to reporters who made report in professional capacity, regarding actions taken to protect or provide services.
- 3. Notwithstanding, can’t release if might be contrary to victim’s best interests, cause victim harm, or might jeopardize on-going civil or criminal investigation.
- 4. Release of “records” only to [elder] adult at risk who is named victim, legal guardian, conservator or other legal representative (unless is alleged perpetrator), law enforcement officials and DA for their purposes, DHFS or law enforcement for certain statutory death investigations, to employee of county department providing services to determine whether victim should be transferred to less restrictive or more appropriate treatment modality, attorney or GAL to prepare for

certain court hearings,<sup>17</sup> DHFS for management, audit, etc. purposes, staff members of protection and advocacy agency, coroner, pathologist, etc., investigating deaths in unexplained or suspicious circumstances, probation/parole agency where supervising alleged perpetrator in certain circumstances, grand juries, courts or administrative agencies under sec. 968.26, Stats.

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<sup>17</sup> To attorney or guardian ad litem for the adult at risk who is alleged victim named in the record, to assist in preparing for any proceeding, under ch. 48, 51, 55, 813, 880 (new ch. 54), 971 or 975 pertaining to the alleged victim.

**NOTE: The four Appendices that follow are all part of the Wisconsin Department of Health and Family Services' Elder Abuse Interdisciplinary Team (I-Team) Manual. The entire Manual can be found at [www.dhfs.state.wi.us/aps](http://www.dhfs.state.wi.us/aps)**

## **APPENDIX 1: Indicators of ACTUAL abuse by others, Indicators of SUSPECTED Abuse of Elders by others and HIGH-RISK FACTORS for Abuse of Elders**

The information in this Appendix provides listings of three sets of factors. Background on each list precedes it. The lists include: (1) Indicators of **ACTUAL** (i.e., observed, witnessed) elder abuse including domestic violence in later life; (2) Indicators of **SUSPECTED** (i.e., common signs and symptoms of) abuse or violence; and (3) Indicators of **RISK FACTORS** (i.e., research-validated factors that put vulnerable adults at risk for abuse or neglect).

National research has produced screening tools and referral protocols that have identified these factors and listings, which are culled from journal articles reporting on elder abuse studies.<sup>18</sup>

### **1. INDICATORS OF ACTUAL ABUSE, NEGLECT OR EXPLOITATION**

This listing is appropriate for situations where there has been a reliable report of abuse or violence observed or witnessed. It provides a list of the major forms of abuse and violence along with examples of physical abuse, psychological abuse, neglect and exploitation. These examples focus on *clear behavioral manifestations* that are easily identified and were selected because they are among the more common representations of abuse in both research literature and clinical experience. They do not cover all possibilities. Any reliable report of *actual* abuse or violence should lead to subsequent decisions about an appropriate referral. Whether and to where a case will be referred in situations of *actual abuse* will depend on factors such as: (a) who witnessed the incident; (b) whether the situation is of immediate danger; and (c) the willingness of the victim to accept help.<sup>19</sup>

#### *Examples of Physical Abuse*

- Hit, pushed, shoved, scratched or restrained
- Threatened with a knife, gun or other weapon
- Sexually assaulted, harmed or hurt

#### *Examples of Psychological (Emotional) Abuse*

- Yelled at, called names, insulted
- Threatened with physical injury
- Locked in a room
- Stalked or followed around

#### *Examples of Neglect by Others or Self*

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<sup>18</sup> Anetzberger, Georgia J., PhD, ACSW, "Elder Abuse Identification and Referral: The Importance of Screening Tools and Referral Protocols" *Journal of Elder Abuse & Neglect*, Vol. 13, Number 2, 2001.

<sup>19</sup> *Id.* at pp. 31-34.

- Denied adequate care and supervision (especially in cases of physically or mentally impaired persons)
- Not treated for physical health problems
- Isolated from others
- Inappropriately dressed for weather or environmental conditions
- Lacking adequate shelter

#### *Examples of Exploitation*

- Money, property or other assets used, taken, sold or transferred without consent
- Signature forged on checks or other financial and legal documents
- Large sums of money withdrawn from bank accounts without his/her knowledge

## **2. INDICATORS OF SUSPECTED ABUSE, NEGLECT OR EXPLOITATION**

When actual abuse is not reliably reported, the question for an elder abuse worker or other individual involved with the elder is whether abuse, neglect, self-neglect or exploitation is *suspected*. The following list contains many of the *common signs and symptoms of abuse or violence*. It is organized by type of abuse/violence; these signs are serious and are considered *possible indicators* that some type of follow-up is needed. Observing any of the signs or symptoms listed should lead to a decision as to whether a referral should be made to an elder abuse agency, domestic violence agency or social services agency. As with the first listing, whether and to where a referral is made is also dependent on such factors as: (a) who witnessed the incident; (b) whether the situation is of immediate danger; and (c) the willingness of the victim to accept help.<sup>20</sup>

*NOTE: While this is a list of common signs or symptoms of abuse, it does not contain all possible signs and is not intended to replace a worker's own judgment. It is a supplement that assists in recognizing common signs of domestic violence, abuse, neglect or exploitation.*

#### *Signs of Suspected Physical Abuse*

- Bruises, welts, cuts, or wounds, burn marks or blood on person/clothes (bilaterally on upper arms, clustered on trunk [but may be evident over area of the body], morphologically similar to an object, presence of old and new bruises at the same time)
- Internal injuries, including broken or fractured bones, sprains or muscle injuries
- Injury that has not been cared for properly
- Any injury incompatible with history
- Pain on touching
- Dehydration and/or malnourishment without illness-related cause; loss of weight
- Pallor
- Sunken eyes, cheeks
- Evidence of inadequate care (e.g., gross decubiti [bedsore] without adequate medical care)
- Eye problems, retinal detachment
- Poor skin hygiene

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<sup>20</sup> *Id.* at 32, 35.



- Absence of hair and/or hemorrhaging below scalp
  - Soiled clothing or bed
  - Burns: may be caused by cigarettes, caustics, acids, friction from ropes or chains, from confinement or contact with other objects
  - Signs of confinement (tied to furniture, bathroom fixtures, locked in a room)
  - Lack of bandages on injuries or stitches when indicated, or evidence of unset bones
- NOTE: Injuries are sometimes hidden under the breasts or on other areas of the body normally covered by clothing. Repeated skin or other bodily injuries should be noted and careful attention paid to their location and treatment. Frequent use of the emergency room, and/or hospital or health care “shopping” may also indicate physical abuse.

#### *Signs of Suspected Psychological (Emotional) Abuse*

- Sense of resignation and hopelessness with vague references to mistreatment
- Behavior that is passive, helpless, withdrawn
- Anxious, trembling, clinging, fearful, scared of someone/something
- Self-blame for current situation and partner/caregiver behavior

#### *Signs of Suspected Neglect by Others or Self*

- Unclean physical appearance
- Inadequate food or meal preparation items in household
- Underweight, physically frail or weak or dehydrated
- Under or overuse of, or confusion about, prescription or over-the-counter medications
- Inadequate utilities, including lack of heat, water, electricity and toilet facilities
- Unsafe or unclean environment, including insect infestation or unmaintained animals
- Neglected household finances, including unpaid bills or rent
- Lack of necessary adaptive aids such as walkers, canes, bedside commodes
- Lack of food or water
- Unsafe conditions in the home (no railings on stairs, etc.)

#### *Signs of Suspected Exploitation*

- Overpayment for goods or services
- Unexplained changes in power of attorney, wills or other legal documents (e.g., power of attorney given when elder is unable to comprehend the financial situation and in reality is unable to give a valid power of attorney)
- Missing checks or money, or unexplained decreases in bank accounts, activity in bank accounts that is inappropriate to the older person (e.g., withdrawals from automated banking machines when the elder cannot walk or get to the bank)
- Missing personal belongings
- Unusual interest in the amount of money being expended for the care of the older person, concern that too much is being spent
- Refusal to spend money on the care of the elders (e.g., numerous unpaid bills, overdue rent in situations where someone is supposed to be paying the bills)
- Recent acquaintances expressing gushy, undying affection for wealthy older person
- Recent change of title of house in favor of a “friend” when the older person is not capable of understanding the nature of the transaction
- Recent [new] will when person is clearly incapable of making (or amending) a will

- Caregiver asks only financial questions of a worker – does not ask care questions
- Placement not commensurate with alleged size of the estate
- Lack of amenities, e.g., TV, personal grooming items or appropriate clothing when the estate can well afford it
- Personal belongings missing – e.g., art, silverware, jewelry
- Caregiver tries to isolate older adult from old friends and family; tells older person no one wants to see him/her and older person then becomes isolated and alienated from those who care for her/him; comes to rely on caregiver alone who then has total control.
- Promises of life-long care in exchange for willing or deeding of all property/bank accounts to caretaker
- Checks and other documents signed when older person cannot write

*Behavioral Indicators of Suspected Abuse, Neglect or Exploitation from the Elder*

- Fear
- Withdrawal
- Depression
- Helplessness
- Resignation
- Hesitation to talk openly
- Implausible stories
- Confusion or disorientation
- Ambivalence/contradictory statements not due to mental dysfunction
- Anger
- Denial
- Non-responsiveness
- Agitation, anxiety

*Indicators of Suspected Abuse, Neglect or Exploitation from the Family/Caregiver*

- Elder is not given the opportunity to speak for him or herself or to see others without the presence of the caregiver or other suspected abuser
- Obvious absence of assistance, attitudes of indifference or anger toward a dependent elder
- Family member or caregiver “blames” the client (e.g., accusation that incontinence is a deliberate act)
- Aggressive behavior (threats, insults, harassment)
- Conflicting accounts of incidents by the family, victim advocate, neighbor, victim, others
- Unwillingness or reluctance to comply with service providers in planning for care and implementation
- Withholding of security and/or affection
- Exaggerated concern (or lack of concern) for the elder
- Prematurely or inappropriately discusses marriage with victim
- Isolates elder from family/friends/social contacts

### 3. **HIGH-RISK FACTORS FOR ABUSE, NEGLECT OR EXPLOITATION**

In many situations there may be neither actual abuse/violence nor related signs or symptoms. Nevertheless, research has shown that *potential abuse, neglect, self-neglect or*

*exploitation* may be based on the presence of risk factors that are associated with these problems. Risk factors are only indirect indicators; their presence simply means that there is an *increased probability or likelihood* of abuse or violence. Many risk factors are associated with vulnerability to a variety of problems such as alcohol use or unemployment. But risk factors are not definitive and do not alone warrant a referral to an elder abuse agency or domestic violence program. Appropriate referral sources for persons at risk of abuse or violence are agencies that deal with a *wide variety* of problems faced by older adults, including the local aging unit, a social services agency or an Adult Protective Services unit. This type of agency assesses adults at risk and would refer to an agency that specializes in abuse or violence if suspected or actual abuse/violence is determined.<sup>21</sup> The list provided is based on research that validated the relevant factors and is divided into those that are relevant for the caregiver and those that are relevant for a care receiver.<sup>22</sup>

Caregiver\*

Has behavior problems  
Is financially dependent  
Has mental/emotional difficulties  
Has alcohol/substance abuse problem  
Lacks understanding of medical condition  
Caregiving reluctance  
Has marital/family conflict  
Has poor current relationship  
Caregiving inexperience  
Is a blamer  
Had poor past relationship

Care Receiver

Has been abused in the past  
Has marital/family conflict  
Lacks understanding of medical condition  
Is socially isolated  
Lacks social support  
Has behavior problems  
Is financially dependent  
Has unrealistic expectations  
Has suspicious falls/injuries  
Has mental/emotional difficulties  
Is a blamer  
Is emotionally dependent  
No regular doctor

*\*NOTE: Research concluded that the majority of the most important indicators were in the caregiver category.*

This same research study<sup>23</sup> also concluded that many issues previously found important in identifying cases of abuse were, in fact, not validated. These included:

For both Caregiver AND Care Recipient

Feelings of stress (physical, emotional and other)  
Dependence on family for ADL help  
Dependence on others for ADL help  
Has cognitive impairment  
Has physical impairment  
Has other financial difficulties than dependence  
Desires institutionalization

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<sup>21</sup> Id. at 32, 34 and 36.

<sup>22</sup> Ries, Myrna, "The IOA Screen: An Abuse-Alert Measure That Dispels Myths," *Generations*, Vol. XXIV, No. 2, Summer 2000, pp. 13-16.

<sup>23</sup> Id.

For caregiver only

Past abuse  
Social isolation  
Lack of social support  
Emotional dependence  
Suspicious falls or injuries  
No regular visits to a physician

For care recipient only

Poor past relationship with a caregiver

Interestingly, contrary to past theories, the physical or emotional impairment of a care recipient or the need of a care recipient for a great deal of help with ADLs does not signal risk of abuse. Nor does a situation in which a caregiver is under great stress and strain or is socially isolated. These are important problems that may well require help and professional intervention, but are not abuse markers and should not be a focus in specifically abuse-centered assessments and interventions. Rather, research shows that the typical abuse case is characterized by: (1) a trouble caregiver who has difficulty getting along with others; (2) a caregiver's personal and emotional problems; (3) financial dependence of a caregiver on a care recipient (though not to general financial problems); (4) a caregiver's general lack of knowledge and understanding concerning the care recipient's problems; and (5) a situation in which there has been past abuse of the care recipient (but not the caregiver) and in which there is inadequate social support of the care recipient (though not of the caregiver).

SOURCES:

Anetzberger, Georgia J., PhD, ACSW, "Elder Abuse Identification and Referral: The Importance of Screening Tools and Referral Protocols," *Journal of Elder Abuse and Neglect*, Vol. 13, Number 2, 2001.

The Illinois Department on Aging, Elder Abuse and Neglect Program, Multidisciplinary Team Member Handbook

*Investigating Elder Abuse*, Alameda County, California, District Attorney, Consumer Fraud Division, Elder Abuse Unit, 10/00.

Ries, Myrna, "The IOA Screen: An Abuse-Alert Measure That Dispels Myths," *Generations*, Vol. XXIV, No. 2, Summer 2000.

## APPENDIX 2: Indicators of Self-Neglect by Elders

### *Examples of Neglect by Others or Self*

- Denied adequate care and supervision (especially in cases of physically or mentally impaired persons)
- Not treated for physical health problems
- Isolated from others
- Inappropriately dressed for weather or environmental conditions
- Lacking adequate shelter

### *Signs of Suspected Neglect by Others or Self*

- Unclean physical appearance
- Inadequate food or meal preparation items in household
- Underweight, physically frail or weak or dehydrated
- Under or overuse of, or confusion about, prescription or over-the-counter medications
- Inadequate utilities, including lack of heat, water, electricity and toilet facilities
- Unsafe or unclean environment, including insect infestation or unmaintained animals
- Neglected household finances, including unpaid bills or rent
- Lack of necessary adaptive aids such as walkers, canes, bedside commodes
- Lack of food or water
- Unsafe conditions in the home (no railings on stairs, etc.)

### **APPENDIX 3: Overview of Adult Protective Services (APS) Expectations and Functions**

*Prepared by Jane A. Raymond, Advocacy and Protective Services Developer, Bureau of Aging and Long Term Care Resources, Division of Supportive Living, Department of Health and Family Services - May 5, 1998*

An essential and overriding distinctive feature of protective services for adults, over other social and health services, is the potential for the use of legal authority (intervention). The point is “that if legal action should be required the (APS) agency needs to be empowered, equipped and willing to undertake it.” For example, when an Adult Protective Services worker is unable to gain access or entry to a home to verify abuse or neglect, the worker relies on law enforcement to gain entry. Once face-to-face with the adult at risk, the social service worker uses advice, persuasion and encouragement, e.g., the client is motivated to leave unsuitable living quarters, assisted with money management, encouraged to take a medical or psychiatric examination, participate in a nutrition program and/or apply for public benefits. Only when advice, persuasion and encouragement fail, and risk is still present, would an adult protective service worker potentially use more strident (legal) intervention. This is because competent adults are presumed to be self-determining and independent. Any efforts to interfere with the right to be self-determine must be based on the belief that the adult’s situation, problems, circumstances or actions are so hazardous or harmful to the adult or others that it overrides the usual right to be left alone. Protective services are expected to be available to all persons when in need of them, and to place the least possible restriction on personal liberty and exercise of constitutional rights consistent with due process and protection from abuse, exploitation and neglect.

Balancing the client’s right to self-determine with the community’s responsibility to protect can be challenging. Often, there is no obvious “right” answer. Additionally, adult protective services (APS) cases often involve highly functionally impaired victims, more than one type of abuse or neglect and/or complex family dynamics. Studies have shown that decisions made by groups are more effective than those made by individuals when no one person has the solution, but each person can contribute to the answer. Therefore, an interdisciplinary team must be a key component of an ideal APS system. Given the complexity of APS cases, and the fact that there are often gaps in the services needed to assist victims, a broad range of professionals looking at a case and planning possible interventions and/or care plans is likely to arrive at effective results. Interdisciplinary teams provide many benefits including:

- Support and validation for case workers as well as consultations on complex case;
- Increased knowledge of community resources;
- Wider range of alternative solutions to consider;
- Better coordination of interagency efforts; and,
- Networking and “door opening” among professional groups.

The next page provides an outline of expectations and functions required to meet the needs of APS clients.

## **IDEAL ADULT PROTECTIVE SERVICES FUNCTIONS**

1. (APS) SYSTEMS PLANNING AND DEVELOPMENT
  - Initial
  - Ongoing  
(Both initial and ongoing activities should reflect local concerns/values)
2. PUBLIC EDUCATION AND AWARENESS
  - General Public
  - Professional Communities
  - Prevention/Early Intervention
3. INTAKE (24HOURS/PERDAY; SEVEN DAYS PER WEEK)
  - Determine Nature of Call
    - \* Allegation of abuse, neglect, financial exploitation
    - \* Complaint re: Department, Vendor, Licensed Facility, etc.
    - \* Information/Referral Request
    - \* Administrative/Operational Matter
  - Determine/Screen for Appropriate Response
    - \* Immediate Danger, At-risk but no immediate danger, Non-emergencies, Non-APS
  - Arrange for emergency response as needed
4. APS ASSESSMENT
  - Determine level of risk
  - Determine level of competency
  - Determine level of intervention, e.g., voluntary or involuntary
  - Determine potential service need, funding sources, supports (including informal)
5. DEVELOP APS SERVICE PLAN BASED ON ASSESSED NEEDS
  - Plan is to be person centered, highly individualized, creative and should reflect full array of community based services (e.g., legal, social, medical)
  - Plan assures prompt and adequate treatment delivered in the least intrusive manner
  - Plan maximizes supports which are natural and appropriate and consistent with lifestyle, preferences, values and choices
6. IMPLEMENT THE PLAN
  - In accordance with client's wishes, consistent with legal status
  - Arrange service delivery and funding
7. MONITOR PLAN IMPLEMENTATION
  - Update plan as necessary
8. COLLECT/ANALYZE DATA FOR APS SYSTEM QUALITY IMPROVEMENT & QUALITY ASSURANCE (see number one above)

*NOTE: Functions three through seven above may require an interdisciplinary team approach and/or court activities including court reports and documents, petitioning for guardianship and protective services/placement.*

<b>APPENDIX 4: Intervention Principles in Elder Abuse</b> <b>(generally applicable to abuse of younger adults-at-risk as well)</b>
---

NOTE: The principles below have been written in support of a competent older person's right to self-determination.

- (1) Involve the older person in the development of the intervention/care plan. Take the time to explain the range of legal, medical and social service options to the older person, beginning with the least restrictive alternatives in treatment and placement so that the older person can exercise his or her maximum decision-making ability for his or her competence.
- (2) Recommend community-based services rather than institutional placement, whenever possible. Institutions are generally considered a very restrictive environment. Often, an older person fears placement more than abuse. The older person may refuse services if placement is the only option presented.
- (3) Respect the older person's right to confidentiality. Information about the older person's affairs should only be shared as authorized by the older person or guardian, or as otherwise authorized by statute (e.g., see sec. 46.215, Wis. Stats., regarding exchange of information between relevant county agencies providing services) and as it pertains to obtaining assistance and guidance.
- (4) Recognize that inadequate or inappropriate intervention may be worse than none at all. Assistance that over-promises may be rejected by the older person. Inadequate or inappropriate intervention may greatly increase the risk to the victim.

**The older person's interests are to be the first concern of the program. The older person's safety is also the foremost concern when he or she is unable to decide or act on his or her own behalf.**



## **Goals established.pdf**

**NEENAH POLICE DEPARTMENT  
GOALS AND ACCOMPLISHMENTS**

**Goals: Accomplishments of previous year's goals.**

**Goals for next evaluation.**

**Evaluator's overall comments:**

Evaluator's Signature:

Date:

Employee's Signature:

Date:

## **Self development form.pdf**

**Neenah Police Department  
Employee Development Form**

---

Employee Name:

Job Title:

Date:

Time:

---

Instructions: These questions were designed to allow an opportunity for you to express feelings, opinions, ambitions, and suggestions concerning your job and personal achievements. Information you provide is to help your professional progression and the agency as a whole. Your honesty and openness is requested.

---

- 1) What do you consider the most important responsibilities of your present job?
  
  
  
  
  
  
  
  
  
  
- 2) What part of your job interests you the most? The least?
  
  
  
  
  
  
  
  
  
  
- 3) In what aspects of your job would you like more experience and training?
  
  
  
  
  
  
  
  
  
  
- 4) Do you feel you have any abilities which are not being fully utilized in your present job?  
Please suggest how they could be utilized better.
  
  
  
  
  
  
  
  
  
  
- 5) What changes would you like to see made in your job environment or responsibilities  
which would help you to increase your accomplishments on the job?
  
  
  
  
  
  
  
  
  
  
- 6) What are your short and long range goals with the Neenah Police Department?  
(This could include promotion, special assignment, or a program or tool you would like  
to develop for the agency)

7) What are you doing to prepare yourself to achieve these goals?

8) How can the department or City help you prepare for advancement?

Additional comments:

## **Rules While On Administrative Leave Letter.pdf**



*Department of Police*

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: [www.ci.neenah.wi.us](http://www.ci.neenah.wi.us) - e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To:

From:

Re: **Rules While On Administrative Leave**

An allegation of misconduct has been made against you. This action is alleged to have occurred on (date, time, and location of incident). An internal investigation will be conducted. The investigation is a fact-finding process to determine the truth. The facts obtained may exonerate you or may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.

Due to the seriousness of the allegations, you are placed on Administrative Leave as of (date and time). During such time, you must comply with the following rules:

1. You are not authorized to perform any official duties as a law enforcement officer to include conducting any official police business over the telephone. Additional restrictions include;
  - a. You shall not go armed with a department issued firearm;
  - b. Should you witness a violation of the law that you feel requires a law enforcement officer to investigate, you should contact the appropriate jurisdictional police authority to report the matter.
  - c. If you are contacted at home or while out in the community by a person who requests your assistance or advice about a law enforcement matter, you should refer them directly to the appropriate police department and not become involved.
2. You are required to return department issued equipment, including department-owned firearms, identification cards and badges, facility keys, squad car keys, police radio, and/or other specialized equipment not stored within the police facility. The above-mentioned equipment will be stored as directed by a supervisor.
3. You are required to report by telephone to [assigned supervisor(s)] as directed by the administrator ordering the leave.
4. You are required to check your department voice-mail at least 3 times between Monday and Friday each week and report any requests for service to your supervisors or to any on-duty supervisor if [assigned supervisor] is not available.
5. You must notify your district supervisors of any subpoena you receive that mandate your appearance in court during the Administrative Leave period.
6. You are not permitted in the secured areas of the police department, unless accompanied by a supervisor.

## **OMVWI DRIVER RELEASE FORM.pdf**





NEENAH POLICE DEPARTMENT  
OMVWI DRIVER RELEASE FORM

Case # \_\_\_\_\_

I, \_\_\_\_\_, understand that under ss345.24, I may be released to my attorney, spouse, a relative or other responsible adult, following my arrest for Operating a Motor Vehicle While Intoxicated. Therefore, I do hereby authorize the Neenah Police Department to release me to \_\_\_\_\_, who is known to me and will accept responsibility for me.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

I, \_\_\_\_\_, do hereby accept responsibility for the above named person. I further understand said person has been arrested for Operating a Motor Vehicle While Under the Influence of an Intoxicant. I am not at this time intoxicated nor under the influence of any drug or alcohol. I further state that I will not permit the above person to operate any vehicle for a period of \_\_\_\_\_ hours from the time listed below.

\_\_\_\_\_  
SIGNATURE OF PARTY (Accepting Responsibility)

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

Witness: \_\_\_\_\_

Officer

Badge #

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

## **Admin Investigation Forms.pdf**



*Department of Police*  
2111 Marathon Avenue, Neenah, WI 54956-4771  
Phone: 920-886-6000 Fax: 920-886-6054  
website: [www.ci.neenah.wi.us](http://www.ci.neenah.wi.us)  
e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Administrative Investigation Garrity Warning**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to have an attorney present during this interview or at any other time during these proceedings.
4. If you cannot afford an attorney, one will be appointed for you with no charge, if you so wish.
5. You have the right to stop answering questions at any time.

If you do answer, the information or evidence gained by reason of such statements may be used against you in both criminal and departmental proceedings.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date



*Department of Police*  
2111 Marathon Avenue, Neenah, WI 54956-4771  
Phone: 920-886-6000 Fax: 920-886-6054  
website: [www.ci.neenah.wi.us](http://www.ci.neenah.wi.us)  
e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Administrative Investigation Miranda Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
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---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date



*Department of Police*

2111 Marathon Avenue, Neenah, WI 54956-4771

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e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Administrative Investigation Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, or are untruthful, you will be subject to departmental charges, which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date



*Department of Police*

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e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Internal Affairs #**

As part of this investigation, you have been alleged to have violated:

- [IDENTIFY POLICY OR RULES AND REGULATIONS VIOLATION(S)]

It is alleged on [DATE, BRIEF EXPLANATION AND INCIDENT NUMBER]

Please be prepared to meet with me to discuss these allegations on [DATE], at [TIME] hours. If you choose, a representative of your choice may accompany you during this meeting.

Prior to our meeting, I would encourage you to review our Internal Affairs policy to fully understand your rights and responsibilities concerning this investigation. Please do not discuss the nature of this investigation with anyone else other than what may be necessary to brief your representative/counsel.

I have enclosed a copy of the Administrative Rights pertaining to our interview. Please review, sign, and bring to our meeting.

If you have questions prior to our meeting, please feel free to contact me at my office [PHONE #] or on my cell phone [PHONE #].

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date



*Department of Police*

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Date:

To:

From:

Re: **Rules While On Administrative Leave**

An allegation of misconduct has been made against you. This action is alleged to have occurred on (date, time, and location of incident). An internal investigation will be conducted. The investigation is a fact-finding process to determine the truth. The facts obtained may exonerate you or may be used in disciplinary proceedings resulting in reprimand, demotion, suspension or dismissal.

Due to the seriousness of the allegations, you are placed on Administrative Leave as of (date and time). During such time, you must comply with the following rules:

1. You are not authorized to perform any official duties as a law enforcement officer to include conducting any official police business over the telephone. Additional restrictions include;
  - a. You shall not go armed with a department issued firearm;
  - b. Should you witness a violation of the law that you feel requires a law enforcement officer to investigate, you should contact the appropriate jurisdictional police authority to report the matter.
  - c. If you are contacted at home or while out in the community by a person who requests your assistance or advice about a law enforcement matter, you should refer them directly to the appropriate police department and not become involved.
2. You are required to return department issued equipment, including department-owned firearms, identification cards and badges, facility keys, squad car keys, police radio, and/or other specialized equipment not stored within the police facility. The above-mentioned equipment will be stored as directed by a supervisor.
3. You are required to report by telephone to [assigned supervisor(s)] as directed by the administrator ordering the leave.
4. You are required to check your department voice-mail at least 3 times between Monday and Friday each week and report any requests for service to your supervisors or to any on-duty supervisor if [assigned supervisor] is not available.
5. You must notify your district supervisors of any subpoena you receive that mandate your appearance in court during the Administrative Leave period.
6. You are not permitted in the secured areas of the police department, unless accompanied by a supervisor.

## **Admin Investigation Miranda Rights.pdf**





*Department of Police*  
2111 Marathon Avenue, Neenah, WI 54956-4771  
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e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Administrative Investigation Miranda Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to have an attorney present during this interview or at any other time during these proceedings.
4. If you cannot afford an attorney, one will be appointed for you with no charge, if you so wish.
5. You have the right to stop answering questions at any time.

If you do answer, the information or evidence gained by reason of such statements may be used against you in both criminal and departmental proceedings.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date

## **Admin Investigation Rights Ltr.pdf**



*Department of Police*

2111 Marathon Avenue, Neenah, WI 54956-4771

Phone: 920-886-6000 Fax: 920-886-6054

website: [www.ci.neenah.wi.us](http://www.ci.neenah.wi.us)

e-mail: [police@ci.neenah.wi.us](mailto:police@ci.neenah.wi.us)

Date:

To: Employee

Re: **Administrative Investigation Rights**

I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, or are untruthful, you will be subject to departmental charges, which could result in your dismissal from the police department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

I understand the Administrative Investigation Rights that were read to me and I acknowledge that a written copy of the rights was provided to me.

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date

## Notice Letter.pdf



*Department of Police*

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Date:

To: Employee

Re: **Internal Affairs #**

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- [IDENTIFY POLICY OR RULES AND REGULATIONS VIOLATION(S)]

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Please be prepared to meet with me to discuss these allegations on [DATE], at [TIME] hours. If you choose, a representative of your choice may accompany you during this meeting.

Prior to our meeting, I would encourage you to review our Internal Affairs policy to fully understand your rights and responsibilities concerning this investigation. Please do not discuss the nature of this investigation with anyone else other than what may be necessary to brief your representative/counsel.

I have enclosed a copy of the Administrative Rights pertaining to our interview. Please review, sign, and bring to our meeting.

If you have questions prior to our meeting, please feel free to contact me at my office [Phone #] or on my cell phone [Phone #].

---

Employee Signature

---

Date

---

Investigating Supervisor

---

Date

## **Take Home Agreementpdf.pdf**



# CITY OF NEENAH POLICE DEPARTMENT

2111 Marathon Avenue  
Neenah, Wisconsin 54956



---

## AGREEMENT FOR USE OF TAKE-HOME VEHICLES

This agreement is made this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, between the City of Neenah Police Department, a Wisconsin municipal corporation located in Winnebago County, Wisconsin (hereinafter the “Department”), and Officer \_\_\_\_\_, (hereinafter “Member”) an employee of the City of Neenah Police Department.

### WITNESSETH:

WHEREAS, The City of Neenah Police Department has studied the feasibility and merits of allowing certain members of the department to utilize as a “take-home” vehicle, assigned squad cars, and has determined that without compromising public safety, economy and efficiency will be enhanced by permitting certain members of the Department to operate “take-home” vehicles pursuant to the following policy understandings;

NOW, THEREFORE, in accordance with policy, section 703.4 of the Neenah PD Policy Manual, and in consideration of the terms and conditions hereinafter set forth, the Parties mutually agree as follows:

1. The Member must live within a 30 mile radius of the City unless approved by Division Commander.
2. The Member acknowledges that time spent in the vehicle during normal commuting is not compensable except as may be provided by a collective bargaining agreement.
3. The Member may use an assigned vehicle for “De Minimus” personal use, defined as a personal errand between home and the workplace on a regularly scheduled duty day. This would include the transporting of family members of the Member to and from school or daycare while driving to and from work on a regularly scheduled duty day.
4. The Member is responsible for the care and maintenance of the vehicle and its contents if the Department provides necessary care and maintenance supplies.
5. The Member will take the vehicle to all scheduled maintenance appointments or make arrangements for the vehicle to be available for such appointments through the Fleet Maintenance Manager.
6. If the vehicle is not secured in a locked garage at the Member’s Residence, all unsecured firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence per the Storage at Home (306.5.2) policy in the Neenah PD Policy Manual.

7. The Member will secure all department identification, portable radios and equipment.
8. The vehicle will be kept at the Neenah Police Department if the Member will be away for periods exceeding one week.
9. The Member acknowledges that the department reserves the right to suspend the privilege of a take-home vehicle for cause.
10. The Member acknowledges that the department reserves the right to suspend the privilege of a take-home vehicle when the member is placed on light duty.
11. Members shall monitor their radio, while driving the agency vehicle, both on and off duty, in the jurisdiction of the Neenah Police Department.
12. Members will carry and have accessible an authorized firearm, badge, identification, handcuffs, or flex-cuffs, note taking material, and be prepared to perform any function they would be expected to perform while on-duty.
13. Members will not permit unauthorized persons to operate their assigned vehicle.  
Unauthorized persons include anyone who has not received permission to operate the vehicle from a supervisor, the Chief of Police or designee. Licensed family members may move the assigned vehicle in and out of the driveway or garage of the Member's residence, provided the Member has secured and maintains the insurance coverage as required in section, provided that said family members are otherwise covered by the Member's insurance as required by No. 14 of this contract.
14. The Member represents to the Chief that prior to a Members' first use of a take home vehicle, the Member has secured and maintains alternative insurance coverage sufficient to cover any bodily injury losses suffered by the Member or the Member's family as a result of the Member's use of the take home vehicle.

\_\_\_\_\_ Initial Here (as to #14).

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

[Name, Title]  
For the Department

[Name, Title]  
Member/Officer



## INDEX / TOPICS