

## **POLICIES FOR COMMENT | 300**

- 307** Vehicle Pursuits
- 309** Canines
- 314** Discriminatory Harassment
- 315** Child Abuse
- 316** Missing Persons
- 318** Victim and Witness Assistance
- 320** Standards of Conduct
- 324** Subpoenas and Court Appearances
- 330** Firearm Injury Reporting
- 336** Public Safety Video Surveillance System
- 342** Department Use of Social Media

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

**State**

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

**Best Practice**

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

**Best Practice** **MODIFIED**

Definitions related to this policy include:

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

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the

# Fitchburg Police Department

## Policy Manual

### *Vehicle Pursuits*

---

driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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

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

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

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

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

**Due regard**- The degree of care a reasonably careful person, performing similar duties, and acting under similar circumstances would show.

**Violent felony**- a felony that involves an actual or threatened attack on a person or persons, that involves the use of force or the threatened use of force.

### **307.3 OFFICER RESPONSIBILITIES**

State

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**

State **MODIFIED**

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

- (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.
- (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

##### State

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

# Fitchburg Police Department

## Policy Manual

### *Vehicle Pursuits*

---

danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

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

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for use in emergency operations (Wis. Stat. § 346.03(3)).
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time (Wis. Stat. § 346.175(3)(a)).
- (h) When directed to terminate the pursuit by a supervisor.
- (i) When it is necessary to stop to render aid to an injured person and no other officer is available to do so (Wis. Admin. Code § LES 3.07(1)(c)(5)).

#### 307.3.3 SPEED LIMITS

##### **State**

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.

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

#### 307.4 PURSUIT UNITS

##### Best Practice

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 MOTORCYCLE OFFICERS

##### Best Practice

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

##### 307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

##### Best Practice

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

##### 307.4.3 PRIMARY UNIT RESPONSIBILITIES

##### Best Practice MODIFIED

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, "Violent Felony".
- (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.

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

- (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.

#### 307.4.4 SECONDARY UNIT RESPONSIBILITIES

##### Best Practice

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.

#### 307.4.5 PURSUIT DRIVING TACTICS

##### Best Practice MODIFIED

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (Wis. Stat. § 346.03(2)).
- (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.

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

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 outside 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.

#### 307.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

**Best Practice** **MODIFIED**

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless there is a serious need for immediate assistance.

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. Officers assisting with traffic control or assisting the pursuit by utilizing a tire deflation device, should have their emergency lights operating if they are in traffic.

All officers directly or indirectly involved in the pursuit should have their body worn camera on their person, activated, and recording.

#### 307.4.7 PURSUIT TRAILING

**Best Practice**

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

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

#### 307.4.8 AIRCRAFT ASSISTANCE

**Best Practice**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

#### 307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

**Best Practice** **MODIFIED**

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, or if a safety risk outweighs the continued pursuit of the suspect..
- (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 FPD 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 SERGEANT RESPONSIBILITIES

**Best Practice** **MODIFIED**

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

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

The Shift Sergeant shall review all pertinent reports for content and forward them to the Patrol Lieutenant, Deputy Chief, and Chief of Police.

#### 307.6 COMMUNICATIONS

##### Best Practice

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 DISPATCH RESPONSIBILITIES

##### Best Practice MODIFIED

Upon notification that a pursuit has been initiated, Dispatch will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Ensuring that an on-duty supervisor is notified and/or is aware of the pursuit.
- (d) Assigning an incident number and logging all pursuit activities.
- (e) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (f) Notifying the Shift Sergeant as soon as practicable.

##### 307.6.2 LOSS OF PURSUED VEHICLE

##### Best Practice

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

##### Best Practice

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

##### Best Practice

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

## Vehicle Pursuits

---

in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

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

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

### 307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

**Best Practice**

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 Sergeant should review a request for assistance from another agency. The Shift Sergeant 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

## Vehicle Pursuits

---

control, coordination and completion of supplemental reports and any other assistance requested or needed.

### 307.8 PURSUIT INTERVENTION

**Best Practice**

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

#### 307.8.1 WHEN USE IS AUTHORIZED

**Best Practice**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. 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

**Best Practice**

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

**Best Practice**

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) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:
  1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or other members of the public.

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  4. The target vehicle is stopped or traveling at a low speed.
  5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

#### 307.8.4 CAPTURE OF SUSPECTS

**State**

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

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

#### 307.9 REPORTING AND REVIEW REQUIREMENTS

**State** **MODIFIED**

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 designated 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
  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

# Fitchburg Police Department

## Policy Manual

### Vehicle Pursuits

---

- (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 Administrative Services Manager shall compile and report information on vehicle pursuits engaged in during the previous 12 months to the Wisconsin State Patrol/ Department of Transportation. 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

##### State

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

#### 307.9.2 POLICY REVIEW

##### State

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)).

# Canines

## 309.1 PURPOSE AND SCOPE

### Best Practice

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

### Best Practice

It is the policy of the Fitchburg 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

### Best Practice

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 Sergeant 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 Sergeant.

## 309.4 RESPONSIBILITIES OF CANINE UNIT PERSONNEL

### Best Practice MODIFIED

**COORDINATOR:** The canine coordinator shall be appointed by and directly responsible to the Patrol Section 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 command staff and functional supervisors.
- (c) Maintaining accurate records to document canine activities.
- (d) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (e) Scheduling all canine-related activities.
- (f) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

**TRAINER:** The department may elect to appoint a credentialed Trainer/Handler to the Canine Unit. The Unit Trainer(s) will report directly to the Canine Coordinator. The Unit Trainer(s) are

# Fitchburg Police Department

## Policy Manual

### Canines

---

responsible for ensuring that canine teams are performing at Unit standards and for addressing sub-standard performance with remedial training. He/she must remain current with all manner of police canine related training, to include legal issues and canine training techniques. The Unit Trainer(s) shall attend a credentialed training class. The Unit Trainer(s) will work closely with the coordinator to ensure uniformity and consistency in the overall training program. The Unit Trainer(s) will participate in frequent training functions with each team for the purpose of identifying training needs and preparing training scenarios. Additionally, the Unit Trainer(s) shall oversee all aspects of training new canines and handlers.

The responsibilities of the Unit Trainer(s) include but are not limited to:

- (a) Responsible for the development, coordination, and maintenance of Canine related training within the Unit.
- (b) Must possess a general instructor certification.
- (c) Will assist with conducting monthly training exercises, which will include testing of the canine teams and documentation of their performance.
- (d) Must be preeminently skilled as a handler.
- (e) Conduct/direct remedial training for those canine teams experiencing deficiencies.
- (f) Attend training seminars with outside agencies with the goal of remaining current in the field of canine training and the legal aspects of canines as a use of force.
- (g) Develop training for the officers and supervisors within the department

**HANDLER:** All department canine handlers will familiarize themselves with and comply with the Canine Policy Manual during any deployment of their canine partners. Canine handlers are the primary trainers and care takers to their canine partners and will work closely with the canine coordinator and/or trainer to maintain an effective canine team.

Handler responsibilities include but not limited to:

- (a) 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 condition.
- (b) Act in accordance with state law and departmental policy and procedures and best practices.
- (c) Respond to requests for canine assistance when and where the canine's presence is appropriate in accordance with this policy.
- (d) Maintain required standards of reliability and proficiency for the assigned dog through required maintenance training and certification.
- (e) Care for and maintain the assigned dog at their home at the city's expense.
- (f) Provide for medical care and treatment of the assigned dog at City expense.
- (g) Enter all training and deployment information into the canine software system.
- (h) Perform public canine demonstrations when requested and available.

# Fitchburg Police Department

## Policy Manual

### Canines

---

- (i) The handler(s) shall always maintain control of their assigned canine.

**UNIT HELPERS/DECOYS:** The Department shall provide the Canine Unit with properly trained helpers/decoys for use during canine training. Helpers/decoys are key to the success of the training programs and ensure the canines reliability and success on the street. All Canine Unit helpers/decoys shall receive training in canine aggression control to ensure the safety of the helper and the canine during training exercises.

- (a) Helpers/decoys will take direction from both the Canine handler(s) and Trainer(s).
- (b) Responsibility for developing and training helpers/decoy falls on the canine handler and/or trainer.
- (c) Helpers/decoys shall never operate outside the training parameters set by the Canine Handler and/or Trainer.

### 309.5 REQUESTS FOR CANINE TEAMS

**Best Practice** **MODIFIED**

Patrol section members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Section shall be reviewed by the Shift Sergeant.

- (a) Any police supervisor may call in the canine unit from off-duty status for urgent or emergency department use.
- (b) Non-urgent requests should be forwarded to a lieutenant for consideration. If they are unavailable, the supervisor on call should be contacted.

#### 309.5.1 OUTSIDE AGENCY REQUEST

**Best Practice** **MODIFIED**

All requests for canine assistance from outside agencies must be approved by the Shift Sergeant 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) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

### 309.6 APPREHENSION GUIDELINES

**Best Practice** **MODIFIED**

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.

# Fitchburg Police Department

## Policy Manual

### Canines

---

- (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 special consideration and care. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted 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 physically apprehended the suspect, and the handler believes that the suspect no longer poses a threat, the handler should as soon as practical, remove the canine from the physical apprehension.

#### 309.6.1 PREPARATION FOR DEPLOYMENT

**Best Practice** **MODIFIED**

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 or cognitive disability.
- (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.

# Fitchburg Police Department

## Policy Manual

### Canines

---

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.

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

Best Practice MODIFIED

Unless it would increase the risk of injury, escape, or is not feasible, 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. During a search for a suspect, the canine handler shall wait sufficient time to ensure that anyone within the search area has ample opportunity to comply with instructions.

Based on the circumstances of the suspect behavior and the incident, the canine officer does not need to take a signaled (visual/audible) surrender as the true intention of the suspect. Officers should make additional canine announcements as they progress through a search, especially when entering new or separated areas where prior announcements may not have been heard.

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

State MODIFIED

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

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

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

A canine is not subject to quarantine if the canine is immunized against rabies. However, after a bite, the canine must be 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

Best Practice

# Fitchburg Police Department

## Policy Manual

### Canines

---

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.

#### 309.7.1 ARTICLE DETECTION

**Best Practice** **MODIFIED**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles.

#### 309.7.2 NARCOTICS DETECTION

**Best Practice** **MODIFIED**

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 dual purpose narcotics-detection/patrol trained canine will not be used to search a person for narcotics.

#### 309.8 HANDLER SELECTION

**Best Practice** **MODIFIED**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation with three years of experience.
- (b) Living within 30 miles from the City of Fitchburg City limits.
- (c) Agreeing to be assigned to the position for a minimum of five years.

# Fitchburg Police Department

## Policy Manual

### Canines

---

Additional qualifications will be discussed (i.e. good physical condition, proven use of force decision making ability, motivation and work quality, etc.)

#### 309.9 VEHICLE AND EQUIPMENT

Best Practice MODIFIED

A department vehicle will be provided for the canine handler. The vehicle may be used by the handler to transport the dog to work, training, boarding, general care and maintenance, or to receive veterinary care. The vehicle will be properly equipped to meet the patrol function and the needs of the dog. Personal use of the department vehicle is prohibited. Handlers will be considered "on duty" when operating the department vehicle while in accordance with this policy.

- (a) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (b) The department will provide, on one occasion, by department specifications, an outside kennel at the handler's residence, if the handler so chooses.
- (c) The department will also provide a travel kennel for the canine and handler
- (d) The department shall provide safe and reliable equipment for canine training to properly protect helpers/decoys and canines from injury.
- (e) Both the outside kennel and travel kennel will become the property of the handler upon the retirement of the canine

#### 309.10 HANDLER COMPENSATION

Federal MODIFIED

The canine handler shall be available for urgent/non-urgent call-outs 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

Best Practice MODIFIED

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 Sergeant as soon as practicable and appropriately documented.

The department will incur all costs of veterinary care. All vaccinations for the dog will be done on an annual basis. Documentation of all veterinary visits will be provided to the department. Documentation shall include all required vaccinations by state law and any vaccinations the Veterinarian deems necessary.

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.

## Canines

---

### 309.12 TRAINING

**Best Practice**

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 Sergeant.

#### 309.12.1 CONTINUED TRAINING

**Best Practice** **MODIFIED**

Each canine team shall thereafter be re-certified 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 shall at a minimum be given at least 16 hours of formal maintenance training per month.
- (b) Canine handlers are encouraged to engage in additional training for individual needs of their canine team with approval of the canine coordinator.

#### 309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

**Best Practice** **MODIFIED**

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. Canine teams failing to meet standards or certification will be provided remedial training determined by the canine coordinator and trainer.

#### 309.12.3 TRAINING RECORDS

**Best Practice**

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

#### 309.12.4 TRAINING AIDS

**Federal**

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 Fitchburg Police Department may work with outside trainers with the applicable licenses or permits.

# Fitchburg Police Department

## Policy Manual

### Canines

---

#### 309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

**Federal**

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

**Federal** **MODIFIED**

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 maintained and secured in accordance with DEA regulations and standards and will be periodically inspected by the canine coordinator and handler.

# Discriminatory Harassment

## 314.1 PURPOSE AND SCOPE

Federal

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 314.2 POLICY

Federal

The Fitchburg Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## 314.3 DEFINITIONS

Federal

Definitions related to this policy include:

### 314.3.1 DISCRIMINATION

Federal

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on 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.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or

# Fitchburg Police Department

## Policy Manual

### *Discriminatory Harassment*

---

pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

#### 314.3.2 RETALIATION

##### **Federal**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 314.3.3 SEXUAL HARASSMENT

##### **Federal**

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

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

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### 314.3.4 ADDITIONAL CONSIDERATIONS

##### **Federal**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the State of Wisconsin, Department of Workforce Development, Equal Rights Division guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### 314.3.5 STATE DISCRIMINATION LAW

##### **State**

Unlawful employment practices include discrimination against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful

# Fitchburg Police Department

## Policy Manual

### *Discriminatory Harassment*

---

products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious or political matters (Wis. Stat. § 111.31).

#### **314.4 RESPONSIBILITIES**

##### **Best Practice**

This policy applies to all department personnel who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Manager, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

##### **314.4.1 QUESTIONS OR CLARIFICATION**

##### **Best Practice**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Manager, or the City Administrator for further information, direction, or clarification.

##### **314.4.2 SUPERVISOR RESPONSIBILITY**

##### **Best Practice**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.

# Fitchburg Police Department

## Policy Manual

### *Discriminatory Harassment*

---

- (f) Notifying the Chief of Police or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 314.4.3 SUPERVISOR'S ROLE

**Best Practice**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

#### 314.5 INVESTIGATION OF COMPLAINTS

**Best Practice**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### 314.5.1 SUPERVISOR RESOLUTION

**Best Practice**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### 314.5.2 FORMAL INVESTIGATION

**Best Practice**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

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

# Fitchburg Police Department

## Policy Manual

### *Discriminatory Harassment*

---

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Manager, or the City Administrator.

#### 314.5.3 ALTERNATIVE COMPLAINT PROCESS

**Best Practice**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### 314.6 DOCUMENTATION OF COMPLAINTS

**Best Practice**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Administrator, or the Human Resources Manager, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

#### 314.6.1 NOTIFICATION OF DISPOSITION

**Best Practice**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### 314.6 TRAINING

**Best Practice** **MODIFIED**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term of employment.

All members shall receive training on the requirements of this policy, as determined by the City, and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

# Child Abuse

## 315.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Fitchburg Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

### 315.1.1 DEFINITIONS

#### State

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Wis. Stat. § 48.981).

## 315.2 POLICY

### Best Practice

The Fitchburg Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the appropriate county department or licensed child welfare agency is notified as required by law.

## 315.3 MANDATORY NOTIFICATION

### State MODIFIED

Members of the Fitchburg 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 responsibility also extends to off-duty situations. 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.

# Fitchburg Police Department

## Policy Manual

### Child Abuse

---

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

#### 315.3.1 NOTIFICATION PROCEDURE

State **MODIFIED**

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.
- (b) Notification, when possible, shall contain at a minimum:
  - 1. The name, address, age, sex and race of the child.
  - 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
  - 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
  - 4. The family composition.
  - 5. The source of the report and the name, address and occupation of the person making the report.
  - 6. Any action taken by the reporting source.
  - 7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.
- (c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Medical Examiner shall also be notified (Wis. Stat. § 48.981(5)).

#### 315.4 QUALIFIED INVESTIGATORS

Best Practice **MODIFIED**

Qualified investigators should be available for child abuse investigations. These investigators should:

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

# Fitchburg Police Department

## Policy Manual

### Child Abuse

---

#### 315.5 INVESTIGATIONS AND REPORTING

State **MODIFIED**

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.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned officer shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).
- (l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

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

#### 315.6 PROTECTIVE CUSTODY

State

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

# Fitchburg Police Department

## Policy Manual

### *Child Abuse*

---

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

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

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

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
  - 1. A court has ordered the removal of the child.
  - 2. The child is suffering from illness or injury or is in immediate danger from his/her surroundings and removal from those surroundings is necessary.

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

#### 315.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

**State**

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian and Indian custodian of the child by the most practical means. The officer shall continue such attempts until the parent, guardian, legal custodian and Indian custodian of the child is notified or the child is delivered to an intake worker, whichever occurs first (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

#### 315.6.2 SAFE HAVEN LAW

**State** **MODIFIED**

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

# Fitchburg Police Department

## Policy Manual

### Child Abuse

---

person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

The officer shall immediately contact human services for assistance with the child. The officer shall also provide the parent with the toll free number to the Department of Children and Families, (877-440-2229). (Wis. Stat. § 48.195; Wis. Admin. Code § DCF 39.09).

### 315.7 INTERVIEWS

**Best Practice**

#### 315.7.1 PRELIMINARY INTERVIEWS

**Best Practice** **MODIFIED**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### 315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

**Best Practice** **MODIFIED**

An officershould not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

Safe Harbor Interview recommendations.

### 315.8 MEDICAL EXAMINATIONS

**Best Practice**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a

# Fitchburg Police Department

## Policy Manual

### Child Abuse

---

medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **315.9 DRUG-ENDANGERED CHILDREN**

##### **Best Practice**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **315.9.1 SUPERVISOR RESPONSIBILITIES**

##### **State MODIFIED**

The Detective Bureau supervisor or Support Services Section Commander should:

- (a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

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

##### **State**

Wisconsin requires or permits the following:

##### **315.10.1 CRIMINAL PROSECUTION**

##### **State**

All cases in which there is a reasonable suspicion that an identified suspect committed an act of child abuse should be forwarded to the district attorney. All reports that contain an allegation that a child was a victim of a sex-related offense or threatened with such an offense by an identified person shall be forwarded to the district attorney (Wis. Stat. § 48.981(3)).

##### **315.10.2 RELEASE OF REPORTS**

##### **State**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Wis. Stat. § 48.981(7)).

##### **315.10.3 CHILD DEATH REVIEW TEAM**

##### **Discretionary**

# Fitchburg Police Department

## Policy Manual

### Child Abuse

---

This department will cooperate with a local child death review team as applicable.

#### 315.10.4 COURT ORDERS

State

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

#### 315.10.5 MANDATORY COORDINATION

State

MODIFIED

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)).

Whenever the department or an officer receives a report of suspected child abuse from an outside agency (Dane County Human Services), this department will conduct an investigation regardless of the outside agency's determination.

#### 315.10.6 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD

State

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.

#### 315.11 TRAINING

Best Practice

MODIFIED

The Department should, when practical, provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Persons

## 316.1 PURPOSE AND SCOPE

### Best Practice

This policy provides guidance for handling missing person investigations.

### 316.1.1 DEFINITIONS

#### State

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

# Fitchburg Police Department

## Policy Manual

### Missing Persons

---

Information for the Management of Enforcement (TIME) System, the Wisconsin Clearinghouse for Missing and Exploited Children and Adults, and the Wisconsin Crime Alert Network.

#### 316.2 POLICY

Best Practice

The Fitchburg 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.

#### 316.3 INFORMATION AND BIOLOGICAL SAMPLE COLLECTION

Best Practice

MODIFIED

The Detective Bureau supervisor should consider the following information:

- Wisconsin DOJ Missing Person Worksheet (Wis. Stat. § 165.785)
- 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 form
- Medical records release form
- Biological sample collection kits

#### 316.4 ACCEPTANCE OF REPORTS

Best Practice

MODIFIED

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. If the case is determined to have occurred in a different jurisdiction, this department will coordinate with the appropriate agency to provide any details to assist.

#### 316.5 INITIAL INVESTIGATION

Best Practice

MODIFIED

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.

# Fitchburg Police Department

## Policy Manual

### Missing Persons

---

- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  - 1. Immediately, when the missing person is at risk.
  - 2. In all other cases, as soon as practicable.
- (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 or applicable to the needs of the investigation(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.

### 316.6 REPORT PROCEDURES AND ROUTING

#### Best Practice

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### 316.6.1 SUPERVISOR RESPONSIBILITIES

##### Best Practice

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.

# Fitchburg Police Department

## Policy Manual

### Missing Persons

---

- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### 316.6.2 RECORDS AND DISPATCH RESPONSIBILITIES

**Federal** **MODIFIED**

The receiving member shall:

- (a) As soon as reasonable under the circumstances, 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) Forward a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Forward a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forward a copy of the report to the Detective Bureau.
- (e) Coordinate with the NCIC Terminal Contractor for Wisconsin to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### 316.7 INVESTIGATIVE FOLLOW-UP

**Federal** **MODIFIED**

The investigator or officer assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

# Fitchburg Police Department

## Policy Manual

### Missing Persons

---

- (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 Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Wisconsin Department of Justice, Division of Criminal Investigations and the Wisconsin Clearinghouse for Missing and 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).

#### 316.8 WHEN A MISSING PERSON IS FOUND

**Best Practice** **MODIFIED**

When any person reported missing is found, the officer/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 supervisory and command staff should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found shall be reported within 24 hours to the Wisconsin Clearinghouse for Missing and Exploited Children and Adults and the Wisconsin Department of Justice, Division of Criminal Investigations.

# Fitchburg Police Department

## Policy Manual

### Missing Persons

---

- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### 316.8.1 UNIDENTIFIED PERSONS

##### **Best Practice**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### 316.9 CASE CLOSURE

##### **Best Practice**

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of City of Fitchburg 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.

#### 316.10 TRAINING

##### **Discretionary**

Subject to available resources, the Deputy Chief should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  1. Assessments and interviews
  2. Use of current resources, such as Mobile Audio Video (MAV)
  3. Confirming missing status and custody status of minors
  4. Evaluating the need for a heightened response

# Fitchburg Police Department

## Policy Manual

### *Missing Persons*

---

5. Identifying the zone of safety based on chronological age and developmental stage
  - (b) Briefing of department members at the scene.
  - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
  - (d) Verifying the accuracy of all descriptive information.
  - (e) Initiating a neighborhood investigation.
  - (f) Investigating any relevant recent family dynamics.
  - (g) Addressing conflicting information.
  - (h) Key investigative and coordination steps.
  - (i) Managing a missing person case.
  - (j) Additional resources and specialized services.
  - (k) Update procedures for case information and descriptions.
  - (l) Preserving scenes.
  - (m) Internet and technology issues (e.g., Internet use, cell phone use).
  - (n) Media relations.

# Victim and Witness Assistance

## 318.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance and information available through government and private resources and to meet all related legal mandates.

## 318.2 POLICY

### Best Practice

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

## 318.3 CRIME VICTIM LIAISON

### Best Practice

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will serve as the point of contact for individuals requiring further assistance or information from the Fitchburg Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

## 318.4 CRIME VICTIMS

### Best Practice

Officers should provide all victims with the applicable victim information handouts.

Officer should never guarantee a victim's safety from future harm, but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officer should never guarantee that a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

### 318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

#### State

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 Fitchburg Police Department or other law enforcement agency. If the victim advocate obstructs or delays the

# Fitchburg Police Department

## Policy Manual

### *Victim and Witness Assistance*

---

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)).

#### **318.5 VICTIM INFORMATION**

##### **State**

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).

# Fitchburg Police Department

## Policy Manual

### *Victim and Witness Assistance*

---

- (m) Information on the Wisconsin Department of Justice Address Confidentiality Program for victims of abuse (Wis. Stat. § 165.68).

#### **318.6 WITNESSES**

**State**

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.

#### **318.7 WITNESS INFORMATION**

**State** **MODIFIED**

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

# Standards of Conduct

## 320.1 PURPOSE AND SCOPE

Best Practice

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct.

In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisor.

## 320.2 POLICY

Best Practice MODIFIED

The continued employment or appointment of every member of the Fitchburg 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 corrective action.

## 320.3 DIRECTIVES AND ORDERS

Best Practice

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

### 320.3.1 SUPERVISOR RESPONSIBILITIES

Best Practice MODIFIED

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### 320.3.2 UNLAWFUL OR CONFLICTING ORDERS

Best Practice MODIFIED

# Fitchburg Police Department

## Policy Manual

### *Standards of Conduct*

---

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative corrective action. 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, the person issuing the original order, indicating the action taken and the reason.

#### **320.4 GENERAL STANDARDS**

Best Practice **MODIFIED**

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.

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

#### **320.5 CAUSES FOR CORRECTIVE ACTION**

Best Practice **MODIFIED**

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

# Fitchburg Police Department

## Policy Manual

### Standards of Conduct

---

#### 320.5.1 LAWS, RULES AND ORDERS

**Best Practice**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 320.5.2 ETHICS

**Best Practice**

- (a) Using or disclosing one's status as a member of the Fitchburg Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non- department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

**Best Practice**

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.

#### 320.5.4 RELATIONSHIPS

**Best Practice** **MODIFIED**

- (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.

# Fitchburg Police Department

## Policy Manual

### Standards of Conduct

---

- (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 or to maintain family relationships.

#### 320.5.5 ATTENDANCE

**Best Practice**

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

**Best Practice**

- (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 non-subpoenaed records.

#### 320.5.7 EFFICIENCY

**Best Practice**

- (a) Neglect of duty.

# Fitchburg Police Department

## Policy Manual

### Standards of Conduct

---

- (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 Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 320.5.8 PERFORMANCE

##### **Best Practice**

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

# Fitchburg Police Department

## Policy Manual

### Standards of Conduct

---

- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on-- or off--duty that brings discredit to this department.

#### 320.5.9 CONDUCT

##### Best Practice

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

# Fitchburg Police Department

## Policy Manual

### Standards of Conduct

---

- (m) Any other on- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 320.5.10 SAFETY

**State**

- (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.

#### 320.5.11 INTOXICANTS

**Best Practice** **MODIFIED**

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Subpoenas and Court Appearances

## 324.1 PURPOSE AND SCOPE

### Best Practice

This policy establishes the guidelines for department members who must appear in court. It will allow the Fitchburg Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

## 324.2 POLICY

### State

Fitchburg Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 324.3 SUBPOENAS

### State MODIFIED

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. This service can be through the department's Court Liaison.
- (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). All witness fees shall be turned into the Administrative Services Manager to be processed through the Finance Department.

### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

#### Best Practice MODIFIED

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

# Fitchburg Police Department

## Policy Manual

### *Subpoenas and Court Appearances*

---

- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Fitchburg Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Fitchburg Police Department.

The supervisor will then notify the Chief of Police, or designee, and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police, or designee, should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 324.3.2 CIVIL SUBPOENA

##### Best Practice

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### 324.3.3 OFF-DUTY RELATED SUBPOENAS

##### Best Practice

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### 324.4 FAILURE TO APPEAR

##### Best Practice MODIFIED

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to corrective action. This includes properly served orders to appear that were issued by a state administrative agency.

#### 324.5 STANDBY

##### Best Practice

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### 324.6 COURTROOM PROTOCOL

##### Best Practice

When appearing in court, members shall:

# Fitchburg Police Department

## Policy Manual

### *Subpoenas and Court Appearances*

---

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### 324.6.1 TESTIMONY

##### **Best Practice**

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.

#### 324.7 OVERTIME APPEARANCES

##### **Best Practice**

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.

# Firearm Injury Reporting

## 330.1 PURPOSE AND SCOPE

State

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.

## 330.2 INVESTIGATION

State MODIFIED

All bullet wounds, gunshot wounds, powder burns or any other injury or death resulting from the discharge of any firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to Wis. Stat. § 29.341 and Wis. Stat. § 29.345 or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated, but the identity of the reporter shall remain confidential as allowed by law (Wis. Stat. § 255.40).

Employees investigating firearm injuries shall contact a supervisor as soon as reasonably possible to determine if further guidance or additional resources are necessary.

All reports or investigations under this section shall be forwarded by the Records Bureau to the appropriate county or state agency as required.

## 330.3 HUNTING INJURIES

State MODIFIED

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. If available, hunting accidents should be turned over to the Wisconsin DNR.

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.

# Public Safety Video Surveillance System

## 336.1 PURPOSE AND SCOPE

**Best Practice**

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

## 336.2 POLICY

**Best Practice**

The Fitchburg Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 336.3 OPERATIONAL GUIDELINES

**Best Practice**

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 336.3.1 PLACEMENT AND MONITORING

**Best Practice**

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

# Fitchburg Police Department

## Policy Manual

### *Public Safety Video Surveillance System*

---

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Sergeant's office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Sergeant or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than Police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

#### 336.3.2 CAMERA MARKINGS

##### **Best Practice**

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### 336.3.3 INTEGRATION WITH OTHER TECHNOLOGY

##### **Best Practice**

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

#### 336.4 VIDEO SUPERVISION

##### **Best Practice**

# Fitchburg Police Department

## Policy Manual

### *Public Safety Video Surveillance System*

---

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

#### 336.4.1 VIDEO LOG

##### **Best Practice**

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

#### 336.4.2 PROHIBITED ACTIVITY

##### **Best Practice**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups 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.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

#### 336.5 STORAGE AND RETENTION OF MEDIA

##### **Best Practice**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

#### 336.5.1 EVIDENTIARY INTEGRITY

##### **Best Practice**

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails,

# Fitchburg Police Department

## Policy Manual

### *Public Safety Video Surveillance System*

---

including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

#### **336.6 RELEASE OF VIDEO IMAGES**

##### **State**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Fitchburg Police Department.

Recorded videos are classified as public records (Wis. Stat. § 19.32(2)). Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

#### **336.7 VIDEO SURVEILLANCE AUDIT**

##### **Best Practice**

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

#### **336.8 TRAINING**

##### **Best Practice**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

# Department Use of Social Media

## 342.1 PURPOSE AND SCOPE

### Best Practice

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).

### 342.1.1 DEFINITIONS

#### Best Practice

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.

## 342.2 POLICY

### Best Practice

The Fitchburg 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.

## 342.3 AUTHORIZED USERS

### Best Practice

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

# Fitchburg Police Department

## Policy Manual

### *Department Use of Social Media*

---

#### **342.4 AUTHORIZED CONTENT**

##### **Best Practice**

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:

- (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.

##### **342.4.1 INCIDENT-SPECIFIC USE**

##### **Best Practice**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief or designee or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **342.5 PROHIBITED CONTENT**

##### **Best Practice**

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 Fitchburg 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.

# Fitchburg Police Department

## Policy Manual

### *Department Use of Social Media*

---

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.

#### 342.5.1 PUBLIC POSTING PROHIBITED

**Best Practice**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

#### 342.6 MONITORING CONTENT

**Best Practice**

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.

#### 342.7 RETENTION OF RECORDS

**Best Practice** **MODIFIED**

The Administrative Services Manager Custodian should 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.

#### 342.8 TRAINING

**Best Practice**

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.