

Wisconsin Law Enforcement Accreditation Group Accreditation Standards



2nd Edition

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Wisconsin Law Enforcement Accreditation Group

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Wisconsin Law Enforcement Accreditation Group

GUIDING PRINCIPLES FOR APPLICANT AGENCIES AND ASSESSORS

June 1, 1996

1.0 Functions Performed or Delegated

- 1.1 AN AGENCY THAT DELEGATES FUNCTIONS TO OTHER AGENCIES IS HELD ACCOUNTABLE FOR COMPLIANCE WITH STANDARDS GOVERNING THOSE FUNCTIONS.

For example, even though an agency delegates its communication functions to a regional center and its recruit training to a technical college, the applicant agency remains responsible for the functions and, therefore, for compliance with the standards related to those functions.

- 1.2 AN AGENCY FOR WHICH FUNCTIONS ARE PERFORMED ON ITS BEHALF BY ANOTHER ENTITY IS HELD ACCOUNTABLE TO VERIFY COMPLIANCE WITH STANDARDS GOVERNING THOSE FUNCTIONS.

An applicant agency remains accountable for the performance of functions that the Governing Board determines are applicable for an agency of its size and type, even if the function is performed by another organization. This applies to functions delegated (as in 1.1) and functions that are traditionally performed by another entity. This includes recruitment, selection, and promotion, which may be the responsibility of a civil service board or central personnel agency.

- 1.3 AN AGENCY CAN BE HELD ACCOUNTABLE FOR FUNCTIONS GOVERNED BY STANDARDS, IF THE GOVERNING BOARD DETERMINES THAT AN AGENCY OF ITS SIZE AND TYPE SHOULD PERFORM THE FUNCTION.

Ordinarily, this matter is resolved before the self-assessment, but agencies should be aware of this guiding principle.

2.0 Standards

2.1 AN AGENCY CAN EXCEED THE REQUIREMENT OF A STANDARD.

A semiannual reporting requirement may be done quarterly. This is but one example of how an agency's performance can exceed the standard.

2.2 A STANDARD MAY BE NOT APPLICABLE IF THE AGENCY DOES NOT HAVE RESPONSIBILITY FOR THE FUNCTIONS NS ADDRESSED BY THE STANDARD, PROVIDING THE GOVERNING BOARD CONCURS.

A procedure by which to establish non-applicability is included in the self-assessment process. Non-applicability issues should be resolved before the on-site assessment if possible.

2.3 UNLESS OTHERWISE INDICATED, STANDARDS RELATED TO PERSONNEL MATTERS APPLY TO ALL AGENCY EMPLOYEES.

Some standards indicate applicability to sworn or to civilian personnel. Where that differentiation is not made, the standard applies to all agency personnel.

3.0 Written Directives

3.1 A WRITTEN DIRECTIVE CAN BE A POLICY, PLAN, PROCEDURE, RULE, GENERAL OR SPECIAL ORDER, TRAINING DIRECTIVE, OR OTHER DOCUMENT THAT IS BINDING UPON AGENCY PERSONNEL.

The objective of a written directive standard is to require written policy. The form of that written policy can be what the agency has determined best fits its written directive system.

3.2 AN AGENCY DOES NOT NEED TO HAVE AN INDIVIDUAL DIRECTIVE FOR EACH STANDARD REQUIRING A WRITTEN DIRECTIVE; THE AGENCY MAY HAVE A SINGLE MANUAL OR DIRECTIVE COVERING SEVERAL STANDARDS.

The accreditation process is not intended to generate unnecessary paperwork for the applicant agency. A written directive, general order, plan, etc., may serve

to document a number of standards. The agency may list one source of documentation as many times as appropriate.

Assessors must go beyond merely verifying the existence of a directive and must determine whether the content of the written directive meets the standard requirement. Assessors may choose to verify the agency's compliance with any written directive standard. If the observation of agency operations raises questions about compliance with the written directive, the assessor must resolve the compliance question through a review of additional written materials, or if appropriate, further observations, or interviews.

3.3 A WRITTEN DIRECTIVE PRESUMES FUNCTIONAL COMPLIANCE WITH THE DIRECTIVE.

The integrity vested in agencies participating in this program as well as the large number of standards dictates that the Governing Board initially presume that the agency operates in compliance with its written directives.

4.0 Assessors

The final three principles pertain to assessors. They are presented for purposes of information, without comments.

4.1 ASSESSORS MAY GO OUTSIDE THE PROOFS OF COMPLIANCE CITED IN THE ASSESSOR'S MANUAL.

4.2 ASSESSORS MAY GO OUTSIDE THE AGENCY TO VERIFY COMPLIANCE.

4.3 ASSESSORS MUST VERIFY AGENCY COMPLIANCE WITH EVERY STANDARD LISTED BY THE GOVERNING BOARD.

**Wisconsin Law Enforcement Accreditation Group
Accreditation Standards
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**Chapter 1
Law Enforcement Role and Authority**

1.1.1 OATH OF OFFICE

A written directive requires all personnel, prior to assuming sworn status, to take and subsequently abide by an oath of office to enforce the law and uphold the nation's constitution or basic law of the land and, where applicable, those of governmental subdivisions.

1.1.2 CODE OF ETHICS

A written directive requires all sworn officers to abide by a code or canon of ethics adopted by the agency.

Commentary: The Canon of Ethics or Law Enforcement Code of Ethics published by the International Association of Chiefs of Police or the Code of Ethics of the Office of the Sheriff adopted by the National Sheriffs' Association will satisfy the intent of this standard. Adherence to those codes of ethics and to the United Nations Code of Conduct for Law Enforcement Officials may be included as an element of the oath of office.

1.2.2 LEGAL AUTHORITY

A written directive defines the legal authority to carry and use weapons by agency personnel in the performance of their duties.

1.2.3 CONSTITUTIONAL REQUIREMENTS

A written directive governs procedures for assuring compliance with all applicable constitutional requirements, including:

- a. Interviews and interrogations; and
- b. Access to counsel

Commentary: The areas referred to in this standard are coercion or involuntary nature of confessions and admissions, delay in arraignment, failure to inform defendants of their rights, deprivation of counsel, and pretrial publicity tending to prejudice a fair trial. Juvenile procedures are addressed in Chapter 44.

1.2.4 SEARCH AND SEIZURE

A written directive governs search and seizure without a warrant by agency personnel to include the following situations:

- a. Search by consent;
- b. Stop and frisk of an individual under circumstances where the officer has articulable reasons to fear for his/her safety;
- c. Search of a vehicle under a movable vehicle exception;
- d. At the scene of a crime;
- e. Exigent circumstances, as where the public safety is endangered;
- f. Inventory searches of seized vehicles or other property; and
- g. Other situations authorized by state and federal constitutional provisions.

Commentary: The intent of this standards is to provide general guidelines and procedures for agency law enforcement personnel to follow in conducting searches that have not been reviewed and authorized by judicial personnel.

1.2.5 ARREST PROCEDURES

A written directive specifies the procedures for any arrest, made with or without a warrant.

Commentary: The written directive should include procedures imposed by the U.S. Supreme Court, the courts of the applicable state and/or country, and any legislation pertaining to or governing the laws of arrest. Also included should be circumstances that permit a warrantless arrest; areas that may be searched incident to an arrest, both with and without a search warrant; and requirements that pertain to arrestee rights. The directive should be updated in a timely fashion so that it reflects new decisions that add to the substantive law of arrest.

1.2.6 ALTERNATIVES TO ARREST

A written directive defines the authority, guidelines, and circumstances when sworn personnel may exercise alternatives to arrest, prearrest confinement, and/or pretrial release.

Commentary: The written directive should identify the authority of sworn officers to use alternatives to arrest, e.g., citations, summonses, referral, informal resolution, and warning, to address the variety of problems they confront. Policy guides and procedural directions should be developed to ensure appropriate use of the alternatives by personnel.

1.2.7 USE OF DISCRETION

A written directive governs the use of discretion by sworn officers.

Commentary: In many agencies, the exercise of discretion is defined by a combination of written enforcement policies, training, and supervision. The written directive should define the limits of individual discretion and provide guidelines for exercising discretion within those limits.

1.2.8 STRIP SEARCHES

The agency has written procedures for strip and body cavity searches pursuant to Wisconsin State Statute 968.255. The procedures shall include:

- a. Authority for conducting strip and body cavity searches with and without a warrant;
- b. Provisions for privacy and search by gender; and
- c. Reporting requirements, if any.

Commentary: Strip and body cavity searches are sometimes necessary for agency safety and security or to seize evidence of criminal activity. These searches, however, are highly intrusive and should be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. Some body cavity searches may require special hygienic procedures and qualified medical personnel to conduct the search. The procedures should guide agency personnel in conducting strip and body cavity searches that will maximize safety, seize necessary evidence, and be considered reasonable by applicable judicial authority.

1.3.1 USE OF FORCE

A written directive pursuant to Statute 66.0511(2) states that personnel will use only the force necessary to accomplish lawful objectives.

1.3.2 DEADLY FORCE

A written directive governs the use of force by agency personnel and specifies that:

- a. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury;
- b. Use of deadly force against a fleeing felon must comply with all statutory requirements; and

- c. All sworn personnel receive and demonstrate their understanding of such directive before being authorized to carry any firearm.

Commentary: The intent of this standard is that agencies have in place written directives that restrict the use of firearms by police to professional standards of the law enforcement community and in compliance with state law.

1.3.3 WARNING SHOTS

A written directive governs the discharge of “warning” shots.

1.3.4 USE OF LESS-THAN LETHAL WEAPONS

A written directive governs the use of authorized less-than-lethal weapons by agency personnel.

1.3.5 MEDICAL AID

A written directive specifies procedures for ensuring the provision of appropriate medical aid after use of lethal or less-than-lethal weapons, or other use of force incidents as defined by the agency.

Commentary: The intent of this standard is to minimize the severity posed by obvious injuries or non-visible trauma commonly associated with some weaponless or hand-to-hand tactics. Such tactics may include neck holds, hard punches to the head, heart, or other vital organs, or restricting respiratory function. “Appropriate medical aid” does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. “Appropriate medical aid” may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious life-threatening incidents, immediate aid by medical professionals. “Other use of force incidents as defined by the agency” may include procedures for the provision of medical aid to a person injured prior to contact with the agency, but the scope of this standard is limited to actions taken by agency personnel causing, or likely to cause, injury.

1.3.6 FIREARMS DISCHARGE

A written report is submitted whenever an employee:

- a. Discharges a firearm other than in training or for lawful recreational purposes;

- b. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
- c. Applies force through the use of a lethal or less-than-lethal weapons; or
- d. Applies weaponless physical force at a level as defined by the agency.

Commentary: The intent of this standard is to establish use of force reporting systems within the agency for effective review and analysis. The reporting systems should help identify trends, improve training and officer safety, and provide timely information for the agency addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

Software programs such as the I.A.C.P. national database on use of force incidents may be used to generate the necessary reporting elements of this standard or the agency may choose to use a variety of reporting methods to document use of force incidents, based on severity or other established criteria.

This standard does not require reporting the pointing of weapons or using weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons. These techniques include, but are not limited to; physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures. It should be noted however, that some agencies have had success documenting this type of information, using a standard checklist report format associated with the arrest report.

In deciding the threshold of when to generate a use of force report and how extensive the report needs to be, the agency should carefully examine all incidents wherein its employees have caused, or are alleged to have caused death or injury to another, have accidentally or intentionally discharged a firearm, or have applied weaponless force upon another to the extent it is likely to cause or lead to unforeseen injury, claim of injury, or allegations of excessive force, e.g. the use of neck holds, four point restraints (commonly referred to as the "hog-tie" restraint), punches, or kicks. The agency should also consider who is required to write reports when multiple employees were engaged in the same use of force incident.

If physically able, the primary employee involved should be required to verbally report his/her involvement within a specified time period. The verbal report should be committed to writing as soon as practical, thereafter. Written procedures should state by whom, when, and how the report will be submitted. The standard is not intended to document the display of weapons by officers.

1.3.7 POST SHOOTING REVIEW

The agency has a procedure for reviewing the report required by standard 1.3.6.

Commentary: The intent of the review is to determine whether there are policy, training, weapon/equipment, or discipline issues which should be addressed.

1.3.8 POST-SHOOTING REMOVAL FROM DUTY

A written directive requires the removal from line duty assignment, pending administrative review, any employee whose actions or use of force results in a death or serious physical injury.

Commentary: The purpose of this standard is twofold: to protect the community's interest when officers may have exceeded the scope of their authority in their actions or in their use of force and to shield officers who have not exceeded the scope of their authority from possible confrontations with the community.

The agency should consider removing from line-of-duty status all officers involved in a critical or traumatic incident, not limited to shootings, and may include incidents such as a fatal motor vehicle collision involving the employee. During the period of administrative leave, the agency should consider provisions for post-incident debriefing or counseling for those employees involved. In some critical incidents, the employee's family may require assistance also.

The removal process may have a detrimental effect on employees involved. Agencies may wish to routinely include a review of these procedures during in-service training sessions (see 1.3.11) to enhance understanding of this procedure.

1.3.9 FIREARMS AND AMMUNITION

A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in law enforcement responsibilities. The directive shall apply both on and off duty, and must address:

- a. The types and specifications of all lethal and less-than-lethal weapons approved for use;
- b. The types and specifications of ammunition approved for use;
- c. The procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer, and a process to remove unsafe weapons; and
- d. The procedure for maintaining a record on each weapon approved by the agency for official use.

Commentary: The intent of this standard is to establish strict agency control over all firearms, weapons, and ammunition it allows members to carry and use in the performance of their official duties, both on and/or off duty. Clear guidelines should be established for exact types and specifications of each category and include the proficiency levels associated with each weapon.

For firearms, the agency should establish an approval process. Each firearm should be identified, meet the agency's established criteria and be safe and in good working order. The user should demonstrate his or her proficiency in using the firearm on an approved qualifying course before being approved, in writing, by the agency, to carry and use the firearm. A certified firearms instructor or armorer should inspect and approve the firearm and oversee the proficiency testing.

A complete record of all weapons approved by the agency should be maintained. For firearms, the record should list the type, description, identifying model, and serial numbers of each firearm, as well as the identity of the owner or assignee. The record should also include the name of the official making the approval, the date of approval, the course fired, and all scores used to qualify the user on the demonstration of proficiency. All approvals should be conditional upon periodic requalification pursuant to procedures established to comply with standard 1.3.11.

1.3.10 FIREARMS PROFICIENCY

A written directive requires that only agency personnel demonstrating proficiency in the use of agency-authorized weapons be approved to carry such weapons.

Commentary: The intent of this standard is to cover the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, or striking weapons (see 1.3.9). Demonstrated proficiency includes a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and being familiar with recognized safe-handling procedures for the use of these weapons. The instruction and qualification of all weapons should be provided by a certified weapons instructor.

1.3.11 ANNUAL TRAINING/QUALIFICATION

At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use-of-deadly force policies and demonstrate proficiency with all approved lethal weapons that the employee is authorized to use. In-service training for less-than lethal weapons shall occur at least biennially. In addition:

- a. Proficiency training must be monitored by a certified weapons instructor;
- b. Training and proficiency must be documented;
- c. The agency must have procedures for remedial training for those employees who are unable to qualify with an authorized weapon prior to resuming official duties; and
- d. If the agency authorizes use of neck restraints or similar weaponless control techniques with a potential for serious injury, it is included in the annual in-service use of force curriculum.

Commentary: Annual and biennial in-service use of force refresher training need not be as formal as entry level or recruit training. Use of force retraining can be accomplished through a combination of methods, for example, during shift briefing training sessions, reviewing legal updates on use of force issues, or conducting written or skills tests on use of force and less than lethal weapons during annual firearms qualifications courses.

Proficiency levels should be established by the agency with input from certified weapons instructors or others in the agency that can validate the criteria. Demonstrated proficiency with less than lethal weapons may consist of the same criteria used at entry level, or the course may be modified to either abbreviate or extend the training, based on the agency's experience with the weapon in the field.

The intent of bullet (c) is to ensure that remedial measures are provided, and that an employee failing to demonstrate proficiency with a weapon is not returned to duty with that weapon until such time as proficiency is demonstrated and documented.

See also standard 33.5.1. Training should be commensurate with the limits and scope of the employees' job responsibilities, i.e., an agency property guard having no arrest authority may be issued a baton and chemical agent, but training proficiency need only cover defensive moves. The curriculum for sworn officers would be more extensive based on the scope of their authority to use force in making arrests.

Chapter 2

Agency Jurisdiction, Mutual Aid, and Regional Services

2.1.1 AGENCY JURISDICTION

A written directive delineates the jurisdiction and any concurrent jurisdiction of the agency and specifies its responsibilities and authorities therein.

Commentary: All personnel within the agency should know the limitations of their geographical jurisdiction, authority, and responsibilities pursuant to Wisconsin State Statute 175.40(6).

2.1.3 MUTUAL AID

The agency has a plan for providing aid to other jurisdictions in unusual occurrence situations and special operations pursuant to mutual aid agreements and Wisconsin State Statute 66.0313.

Commentary: The intent of this standard is to encourage the formation of formal written agreements among law enforcement agencies to assist each other in time of need.

Chapter 3

Contractual Services

3.1.1 CONTRACTUAL SERVICES

The provisions or receipt of any contractual services by the agency is effected and governed by an appropriate written agreement.

Commentary: Agencies are protected by reducing to writing all agreements of a contractual nature.

Chapter 11 **Organization and Administration**

11.1.1 ORGANIZATIONAL STRUCTURE

The organizational structure of the agency is described by written statement and / or organizational chart, which is updated and made available to all personnel.

Commentary: All personnel should be able to readily determine the span of control and unity of command within the agency.

11.2.2 DIVISION RESPONSIBILITIES

The responsibilities of each operational component within the agency are set forth by written statement, which is updated and made available to all personnel.

11.3.1 ACCOUNTABILITY OF AUTHORITY

A written directive states that each employee is accountable for the use of delegated authority.

Commentary: The intent of this standard is to ensure that all agency personnel understand that only authority is delegated and that the responsibility remains with the delegating authority. Although the ultimate responsibility rests with the delegating authority, each person is held accountable for his or her individual actions.

11.3.2 SUPERVISOR ACCOUNTABILITY

A written directive establishes the accountability of supervisory personnel of the agency for the performance of employees under their immediate control.

Commentary: All agency personnel should be informed that their immediate supervisor is responsible for the employee's job performance.

11.4.1 ADMINISTRATIVE REPORTING PROGRAM

The agency has an administrative reporting program, which requires the preparation of periodic reports of the agency activities, and data summaries based on such reports.

Commentary: The agency should demonstrate an operational professional administrative reporting system.

Chapter 12

Command

12.1.1 CHIEF EXECUTIVE OFFICER AUTHORITY

The chief executive officer of the agency is designated as having full authority and responsibility for the management, direction, and control of the operations and administration of the agency, by a written statement issued by the local government, by law or ordinance, or by a combination of the two.

Commentary: A written document should clearly establish that the chief administrator is duly appointed and legally responsible for the operation of the agency.

12.1.2 COMMAND PROTOCOL

A written directive establishes the command protocol for the following situations, at a minimum:

- a. In the absence of the chief executive officer;
- b. In exceptional situations;
- c. In situations involving personnel of different functions engaged in a single operation; and
- d. In normal day-to-day agency operations.

Commentary: A system of succession should be established to ensure that leadership is available when the agency's chief executive officer is incapacitated, off duty, out of town, or otherwise unable to command. For anticipated absences for extended periods, the CEO should designate, in writing, an "acting" authority. Command also may be predetermined for certain emergency or unusual occurrences (see Chapter 46) and for specific operational activities. Command protocol should clarify authority, alleviate confusion, and ensure uninterrupted leadership (see 61.2.3).

12.1.3 DUTY TO OBEY LAWFUL ORDERS

A written directive requires employees to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank, and specific procedures to be followed by an employee who receives inconsistent or conflicting orders.

12.2.1 WRITTEN DIRECTIVES

The agency adheres to an established system for the development and promulgation of written directives, including agency policies, procedures, rules, and regulations, and which:

- a. Provides procedures for the formatting, indexing, purging, updating, and dissemination of written directives;
- b. Vests in the chief executive officer of the agency the authority to issue, modify, or approve written directives;
- c. Identifies by name or position any individual, other than the chief executive officer, authorized to issue written directives;
- d. Provides procedures for staff review of proposed written directives prior to their implementation; and
- e. Requires acknowledgment of receipt of the directive by personnel and subsequent placement of the directive into a manual for any subsequent reference or perusal.

Commentary: The intent of this standard is that the agency seeking accreditation has in place a policy and procedures manual with established procedures by which to manage its policies, procedures, rules and regulations.

Chapter 16

Part-time Officers and Auxiliary Personnel

The Wisconsin Accreditation Board based the following standards on the national accreditation standards. CALEA defines “reserve personnel” as part-time sworn officers and “auxiliary personnel” as civilians affiliated with the law enforcement agency in a part-time, nonsworn capacity, with or without compensation, because of their interest in contributing to the agency’s role in a support capacity. Because Wisconsin law enforcement professionals attach several different meanings to “reserve officers”, the WILEAG Board specifically worded these standards to minimize confusion.

16.3.1 PART-TIME OFFICERS

Agencies that utilize part-time officers or auxiliary personnel must provide a written directive describing duties and responsibilities, authority and discretion in carrying out these duties, limitations or restrictions to this authority, and the amount of supervision part-time officers are to receive.

16.3.2 CRITERIA FOR PART-TIME OFFICERS

The selection criteria for part-time officers are the same as that for full-time officers.

Commentary: Part-time officers are required to perform the same duties and accept the same hazards and responsibilities as full-time officers. Educational level, experience, physical condition, and other selection criteria applicable to full-time officers apply equally to part-time officers. Some part-time officers may bring with them specialized skills not normally found in entry-level, full-time officers. The process of selection may be different from that of full-time officers, but the criteria are the same.

16.3.3 ACADEMY TRAINING FOR PART-TIME OFFICERS

The agency requires all sworn part-time officers to complete a recruit academy training program comparable to that required in standard 33.4.1, prior to any routine assignment in any capacity in which the part-time officer is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field-training program. If the agency restricts or prohibits part-time officers from performing specific functions, topics related to those functions may be omitted from the curriculum.

Commentary: The intent of this standard is to ensure that part-time officers receive training equal to that required of full-time officers in those areas of assigned duties and responsibilities. The training should be the same as that received by full-time officers or an equivalent, parallel course that meets the requirements of standard 33.4.1. The subject matter in the training program should cover topics related to assigned duties and

responsibilities to the same extent that full-time officers are trained to perform like functions. Training hours and schedule may vary to accommodate the part-time schedule and the course duration may be extended.

If a comparable recruit-training program for part-time officers exists in the state, successful completion of this program will fulfill the requirements of this standard.

16.3.5 IN-SERVICE TRAINING FOR PART-TIME OFFICERS

Part-time officers receive in-service training equivalent to that statutorily required for full-time officers performing like functions.

16.3.6 USE OF FORCE TRAINING FOR PART-TIME OFFICERS

Part-time officers are trained in use-of-force policy(s) and tested for firearms proficiency with the same frequency as full-time officers.

Commentary: Part-time officers' schedules may not permit participation in regularly scheduled firearms training. They should qualify either as a part of the regularly scheduled program or in a special part-time qualifications program. Qualifying standards and scores for part-time officers should be identical to those for regular officers.

16.3.7 LIABILITY PROTECTION OF PART-TIME OFFICERS

The agency provides liability insurance or indemnification for its personnel and those asked to assist them.

Commentary: The intent of this standard is that all agency personnel are indemnified when acting for and under the authority of an agency.

16.4.2 AUXILIARY TRAINING

Auxiliaries receive training in those authorized and assigned duties.

Commentary: Auxiliaries may provide services to support any law enforcement duties not requiring sworn officer status. However, if the agency chooses to use them, auxiliaries should receive training appropriate to the duties anticipated.

Chapter 17 **Fiscal Management**

17.3.1 PURCHASING

A written directive establishes procedures for requisition and purchase of agency equipment and supplies.

Commentary: This standard is intended to ensure that a standard purchasing procedure is followed by agency personnel.

17.4.1 ACCOUNTING SYSTEM

The agency has an accounting system, which includes the preparation and provision for periodic status reports showing:

- a. Initial appropriation for each account or program;
- b. Balances at the commencement of each period;
- c. Expenditures and encumbrances made during the period; and
- d. Unencumbered balances.

Commentary: The intent here is that the agency follows normal governmental fund accounting practices.

17.4.2 CASH

A written directive governs the maintenance of all cash funds or accounts where agency personnel are permitted to receive, maintain, or disburse cash and includes, at a minimum:

- a. A balance sheet, ledger, or other system that identifies initial balance, credits (cash income received), debits (cash disbursed), and the balance on hand;
- b. Receipts or documentation for cash received;
- c. Authorization for cash disbursement, including CEO authorization for expenses in excess of a given amount;
- d. Records, documentation, or invoice requirements for cash expenditures;
- e. Persons or positions authorized to disburse or accept cash, and
- f. Quarterly accounting of agency cash activities.

Intent: These procedures are inclusive of petty cash funds, cash received in records, investigative funds, and all other instances where cash funds are maintained or cash is received or disbursed.

17.4.3 AUDITS

A written directive establishes procedures for both the monitoring and auditing of the fiscal activities of the agency.

Commentary: Sound business practices should be followed for the fiscal management of the agency.

17.5.1 INVENTORY CONTROL

A written directive establishes procedures for inventory control of agency property, equipment, and other assets.

Commentary: The intent of this standard is to ensure that the agency has a written directive establishing procedures for accounting for its property and other assets.

Chapter 21
Classification and Delineation of Duties and Responsibilities

21.2.3 PERSONNEL RESPONSIBILITIES

The duties and responsibilities of each position or assignments within the agency, and minimum entry - level requirements therefore, are set forth in a written job or position description, which is updated and made available to all personnel.

Chapter 22

Compensation, Benefits, and Conditions of Work

22.1.1 COMPENSATION

Complete and updated information is provided to all personnel regarding:

- a. Entry - level salaries;
- b. Salary differential within ranks;
- c. Salary levels for personnel with special skills;
- d. Compensatory time policy; and
- e. Overtime policy.

Commentary: The intent of this standard is to ensure that all agency personnel are provided with and are knowledgeable of the governmental jurisdiction's compensation package.

22.2.1 LEAVE

Complete and updated information is provided to all personnel regarding:

- a. Administrative leave;
- b. Holiday leave;
- c. Sick leave; and
- d. Vacation leave.

Commentary: The intent of this standard is to ensure that agency personnel are provided with current data on various forms of authorized leave from duty.

22.2.2 INSURANCE AND RETIREMENT

Complete and updated information is provided to all personnel regarding:

- a. Applicable retirement program(s);
- b. Applicable health insurance programs(s);
- c. Applicable disability and death benefits; and
- d. Professional liability protection provided by the agency.

Intent: The complete package of retirement and insurance benefit information should be made available to all agency personnel.

22.2.8 UNIFORMS / EQUIPMENT

A written directive governs the provision of clothing and equipment used by employees in performing law enforcement functions.

Commentary: The intent here is to ensure that each employee knows which articles of clothing and equipment will be provided by the agency; and if not provided what the specifications are for each required article of clothing and each item of equipment.

22.3.1 MEDICAL EXAMINATIONS

Physical, medical, and psychological examinations required by the agency are provided at no cost to the employee.

Commentary: There should be a clear understanding that if physical, medical, and psychological examinations are required by the agency that the agency will bear the cost rather than the employee.

22.3.2 PHYSICAL FITNESS

A written directive establishes a standard of general health and physical fitness to which all specified personnel must adhere.

Commentary: All personnel should understand and comply with the agency's standards of physical fitness and general health. Standards of fitness should be those that directly relate to the tasks performed, and not eliminate or penalize employees who can otherwise perform the task of their assignment, with or without reasonable accommodation.

22.3.4 EXTRA DUTY EMPLOYMENT

If the agency permits sworn personnel to engage in extra law enforcement related employment, a written directive addresses the following:

- a. The requirement that sworn personnel must receive agency permission to engage in extra-duty employment;
- b. Policies that address the behavior and activities of officers during extra-duty employment;
- c. Approval, review, and revocation processes pertaining to officers' extra-duty employment;
- d. Designation of a point of coordination or administration within the agency to oversee adherence to the aforementioned policies, processes, and other matters deemed appropriate by the agency; and
- e. Documentation of the significant aspects of each officer's extra-duty employment.

Commentary: This standard pertains to sworn personnel whose secondary employment is law enforcement related, i.e. outside employment wherein the actual or potential use of law enforcement powers is anticipated.

Bullet (a) requires sworn officers to obtain permission of the agency to engage in extra-duty employment. In addition, the relationship between the extra-duty employer and the officer-employee may be governed by a written agreement between the agency and extra-duty employer. Among other provisions, an agreement might specify that payment by the extra-duty employer for the officer-employee's services shall be remitted to the agency, which will promptly compensate the extra-duty officer.

Regarding policies referred to in bullet (b), the agency might address the following matters, among others, if not already covered by the agreement: authority of officers while working in an extra-duty capacity; responsibilities of the officers to the agency and to extra-duty employers; matters of jurisdiction; callback, if required; limitations, if any, on the number of hours worked per given time period and on the number of hours worked immediately prior to reporting to the agency; use of agency property (weapons, uniforms, and the like); and liability, compensation, and indemnification issues arising from injuries or other incidents occurring during extra-duty employment.

Regarding the approval, review, and revocation processes noted in bullet (c), the agency's written directive would cover a description of those processes, types of extra-duty employment that are prohibited, and agreement by the extra-duty employer to restrictions, if any, on the types and conditions of employment, including an assessment of the potential risk of injury.

With respect to bullet (e), documentation should reflect the unique needs of the agency, the relevant sections of its collective bargaining agreement, if any, as well as pertinent statutory requirements, e.g., the Federal Fair Labor Standards Act. Among the significant aspects of extra-duty employment to document, the agency should consider the following: date, time, and place of employment; incidents that involved use of law enforcement powers, injury to the officer or others, complaints received, and court appearances (scheduled and actually attended) resulting from extra-duty employment; and liability and indemnification concerns stemming from actions during extra-duty employment.

Chapter 24 **Collective Bargaining**

Note: Standards in this chapter are not applicable to agencies that do have collective bargaining agreements.

24.1.1 COLLECTIVE BARGAINING UNIT

A written directive specifies the bargaining unit representing any given group of employees and describes the role of the agency therewith and within the collective bargaining process generally.

Commentary: If a collective bargaining agreement(s) is present, it is duly considered in the management of the agency.

24.1.2 DISSEMINATION OF AGREEMENT

When a negotiated labor agreement is ratified by all parties, the agency's CEO, or designee, will:

- a. Obtain a written, signed copy of the labor agreement;
- b. Review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreement; and
- c. Disseminate information relative to a new labor agreement, including modifications to existing agreements, to managers and supervisors of bargaining unit employees.

Commentary: In order to avoid violating the labor contract, it is essential that all operating directives be amended to agree with language in the labor agreement. Copies of the signed agreement should be made available to those who supervise and manage employees in the bargaining unit and to further ensure that labor harmony is maintained. Changes in existing contract language should be disseminated to those same supervisors and managers.

Chapter 25 **Grievance Procedures**

25.1.1 GRIEVANCE PROCEDURE

Unless there is controlling contract language, a written directive establishes a grievance procedure, which includes the following:

- a. Identification of matters that are grievable (scope) and the levels in the agency or government to which the grievance may be filed and/or appealed;
- b. Establishment of time limitations for filing or appealing the grievance to the next level;
- c. A description of the type of information to be submitted when filing a grievance;
- d. Establishment of procedural steps and time limitations at each level in responding to grievances or appeals; and
- e. Establishment of criteria for employee representation.

Commentary: Since a formal grievance procedure is designed to resolve differences between the employee and employer, it follows logically that such procedures be written in clear, concise terms. If grievance procedures are part of a collective bargaining agreement, such agreement would meet the definition of “written directive” as used in this standard. This standard applies to all agency employees. If more than one procedure exists, each should be described.

A written statement of the grievance and the facts upon which it is based, a written allegation of the specific wrongful act and harm done, and a written statement of the remedy or adjustment sought are basic information that should be required from a grievant. A form may be designed for this purpose to include spaces for noting significant times, dates, and actions taken relative to a grievance.

Once the grievance has been filed, it should be handled formally. Each level should acknowledge receipt by noting time, date, and person receiving the grievance. The facts or allegations should be carefully analyzed and affirmed or denied in writing. A legitimate attempt should be made at each level to resolve the grievance rather than merely passing it on to the next level. If applicable, remedies or adjustments should be identified in writing.

The procedure should have an appeal process for grievable issues. To be an appeal, the issue should go to a higher level or authority for review. Grievances normally follow the employee’s “chain of command” within the agency or governmental structure. The procedure should identify the

levels of appeal, the time limits within which each level should respond, and the final level of authority.

25.1.2 GRIEVANCE CONTROLS

A written directive identifies a position responsible for coordination of grievance procedures and for the maintenance and control of grievance records.

Commentary: The sensitivity of these records dictates additional precautions in controlling access to them.

Chapter 26 **Disciplinary Procedures**

26.1.1 CODE OF CONDUCT

A written directive specifies the code of conduct and appearance for agency personnel and is provided to such personnel.

Commentary: All agency personnel should be provided with a written directive that delineates the agency code of conduct and appearance standards.

26.1.3 SEXUAL HARASSMENT

A written directive prohibits sexual harassment in the work place and provides a means by which sexual harassment can be reported, including a means by which it can be reported if the offending party is in the complainant's chain of command.

Commentary: Employees should be protected from sexual harassment and be provided with reporting procedures for those offended.

26.1.4 DISCIPLINARY SYSTEM

A written directive establishes a disciplinary system, to include:

- a. Procedures and criteria for using counseling as a function of discipline;
- b. Procedures and criteria for punitive actions in the interest of discipline including oral reprimand, written reprimand, loss of leave, suspension, demotion, and dismissal; and
- c. Recognition of employment rights and procedural safeguards provided by applicable statutory and case law.

Commentary: Current police community standards of discipline should be in place within the agency. (Agencies should endeavor to keep current on this emerging body of case law. Appellate court level decisions on employee disciplinary matters are rendered frequently.)

26.1.5 SUPERVISORY AND COMMAND STAFF

A written directive specifies the role of supervisory and command staff in the disciplinary process and the authority of each level relative to disciplinary actions.

Commentary: Supervisors and command staff should understand their role and authority in the disciplinary process and the principle of unity of command, as it relates to disciplinary matters.

26.1.7 PUNITIVE ACTION

If an investigation of employee misconduct results in punitive action, a written directive requires that the following information be provided to the officer:

- a. A statement citing the reason for the punitive action;
- b. The effective date of the punitive action; and
- c. Advisement of appeal and hearing rights.

Commentary: Employees should be duly notified of the reason for punitive action against them and informed of their appeal rights.

26.1.8 MAINTENANCE OF RECORDS

A written directive specifies the procedures for maintenance of records of disciplinary actions.

Commentary: A written directive should be in place requiring the documentation, filing, and general preservation of disciplinary history.

Chapter 31

Recruitment

31.2.3 EQUAL OPPORTUNITY PLAN

The agency participates in and supports equal employment opportunity in its recruiting and hiring practices.

Commentary: The agency must either adopt written EEOC practices or follow the EEOC criteria adopted by the agency's governmental jurisdiction.

31.3.1 JOB ANNOUNCEMENTS

The agency's job announcements and recruitment notices:

- a. Provide a description of the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements.
- b. Advertise entry-level job vacancies through electronic, print, or other media;
- c. Advertise the agency as an equal opportunity employer on all employment applications and recruitment advertisements; and
- d. Advertise official application filing deadlines.

Commentary: The most accurate, precise and relevant information possible regarding the agency's job announcement and recruitment notices should be provided.

Chapter 32

Selection

32.1.1 SELECTION PROCESS FOR APPLICANTS AND JOB RELATEDNESS

Written directives describe all elements and activities of the selection process for full-time sworn personnel.

Commentary: Such written directives are essential for the proper administration, use, and defensibility of the selection process. The directive should describe the order of events in the selection process and should include, at the least, information about the purpose, development, job relatedness, administration, scoring, and interpretation of all elements used in the selection process. The law enforcement agency may rely upon a state or local civil service commission, employment agency, or other public or private organization to administer or provide one or more elements of the selection process. If so, a copy of all relevant manuals should be maintained on file by the law enforcement agency. Written directives should describe the selection process in detail and include timetables, the order of events, administration, scoring, interpretation of test results, and other pertinent information.

32.1.7 RECORDS MAINTENANCE AND STORAGE

A written directive requires that selection materials be stored in a secure area when not being used and are disposed of in a manner that prevents disclosure of the information within.

Commentary: The agency responsible for selection materials should limit access to them and store them in locked files to provide 24-hour security. Selection materials should not be left unattended.

32.2.1 BACKGROUND INVESTIGATION

A background investigation of each candidate for a sworn position is conducted prior to appointment to probationary status, and includes:

- a. Verification of qualifying credentials;
- b. A review of any criminal record; and
- c. Verification of at least three personal references.

Commentary: It is more reliable to conduct the inquiry in person, though telephone and mail inquiries are appropriate in obtaining criminal history and driving records. The investigation should routinely involve a home visit with the candidate and his or her family and interviews with neighbors. Background investigations are generally listed among the final stages in the selection process only to suggest that this is when they should be completed; they are likely to have commenced much earlier.

32.2.4 PRE-EMPLOYMENT POLYGRAPH

If polygraph examinations are used in the selection process the following criteria must be met:

- a. Candidates are provided, at the time of their formal application, with a list of areas from which polygraph questions will be drawn.
- b. The administration of examinations and the evaluation of results are conducted by personnel trained in these procedures.
- c. Prohibits the use of results of polygraph examinations as the single determinant of employment status.

32.2.7 MEDICAL EXAM

A medical examination is conducted, prior to appointment to probationary status, to certify the general health of each candidate for a sworn position.

32.2.8 PSYCHOLOGICAL EXAM

An emotional stability and psychological fitness examination of each candidate for a sworn position is conducted and assessed by a qualified professional prior to appointment to probationary status.

Chapter 33

Training

33.1.5 REMEDIAL TRAINING

A written directive establishes agency policy concerning remedial training.

Commentary: The circumstances and criteria used to determine the need for remedial instruction, the timetables under which remedial training is provided, and the consequences of participation or non-participation by the affected personnel should be covered.

33.1.6 TRAINING RECORDS

A written directive requires the agency to update records of employees following their participation in training programs.

Commentary: As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance, and test scores should be recorded for each trainee.

33.1.7 RECORDS FOR ALL CLASSES

The agency maintains records of each training class it conducts, to include, at a minimum:

- a. Course content (lesson plans);
- b. Names of agency attendees; and
- c. Performance of individual attendees as measured by tests, if administered.

Commentary: The agency should document the nature of the instruction, the identity of those attending the sessions, and the performance of the attendees. The standard would be satisfied in part by maintaining on file the lesson plans used by the course instructors.

33.4.1 RECRUIT TRAINING

The agency requires all sworn officers to complete a recruit-training program prior to assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program required in standard 33.4.3.

Commentary: The intent of this standard is to preclude assigning persons to positions requiring the carrying of weapon, enforcing the law, or making arrests until they successfully complete a structured basic training course. Those persons who have been hired, but who have not yet completed the basic training course, could be used in such positions as communications, records, or other activities not requiring the carrying of a weapon, enforcing the law, or making an arrest. An exception is allowed for those trainees participating in the formal field-training program required in standard 33.4.3.

33.4.3 FIELD TRAINING

A written directive establishes a field training program for all newly sworn officers with a curriculum based on tasks of the most frequent assignments with provisions for the following:

- a. Field training of at least four weeks for trainees, during and/or after the required classroom training;
- b. A selection process for field training officers;
- c. Supervision of field training officers;
- d. Liaison with the academy staff, if applicable;
- e. Training and in-service training of field training officers;
- f. Rotation of recruit field assignments;
- g. Guidelines for the evaluation of recruits by field training officers;
and
- h. Reporting responsibilities of field training officers.

Commentary: Recruit trainees should receive “on street” experiences following the completion of classroom training as required in standard 33.4.1. A minimum four-week period permits time for rotation of recruits among the various training activities and objectives with which they may be familiar. In some cases, field training may be presented at intervals as part of a logically coherent classroom-training program. Here, training is managed by providing classroom training followed by a short segment in the field to provide the trainee with “on street” experience in those curricular areas just covered in the classroom. Whether presented during and/or after the classroom training, field training should be a closely supervised process, as the initial experience of recruits often shapes their future careers.

The field-training program is an important adjunct of the formal recruit classroom training and should be as carefully organized, administered,

and evaluated as classroom training. The field-training program should be closely allied with the academy so that field-training officers (FTOs) are aware of what skills and subjects have been taught and what roles the FTOs are to assume.

The selection process for FTOs is crucial to a successful program as many of the values, tactics, and attitudes of FTOs are transmitted to inexperienced officers. Initial training, as well as periodic in-service training, should be provided to FTOs to prepare them for and keep them current with their assigned responsibilities.

The relevance of the field training experience may be enhanced by providing guidelines to FTOs that define the responsibilities of the FTO and provide specific direction about the skills, knowledge, and abilities to be assessed, taught, or performed. The evaluative responsibilities of the FTOs should also be identified.

33.5.1 ANNUAL TRAINING

A written directive requires all sworn personnel to complete an annual retraining program, including legal updates.

Commentary: The agency should ensure that personnel are kept up to date with new laws, technological improvements, and revisions in agency policy, procedures, rules, and regulations. The mandatory retraining may also be designed to provide supervisory, management, or specialized training to participants. Retraining may be used to supplement promotional training, training prior to assignment to a specialized component, or executive development training for higher-ranking officers. The agency should ensure that information included in retraining is included on promotional examinations.

The program should be structured to motivate experienced officers and to further the professionalization of the agency. The training should include a review of the following topics: agency policy, procedures, and rules and regulations, with emphasis on changes; ethics and integrity, taking into consideration cultural influences, policy compliance, and doing what is correct rather than what is not illegal (see 26.1.1); statutory or case law affecting law enforcement operations, with emphasis on changes; the functions of agencies in the local criminal justice system; exercise of discretion in the decision to invoke the criminal justice process; interrogation and interviewing techniques; agency policy on the use of force, including the use of deadly force; emergency medical services; the performance evaluation system; emergency fire suppression techniques; new or innovative investigative or technological techniques or methods, if any; hazardous materials incidents; contingency plans, if any, including those relating to special operations and unusual occurrences; crime

prevention policies and procedures; collection and preservation of evidence; report writing and records system procedures and requirements; and victim/witness rights, policies, and procedures.

33.6.1 CAREER DEVELOPMENT

The agency provides skill development to all personnel upon promotion or assignment to specialized positions.

Commentary: Newly assigned or promoted personnel should receive training necessary for the position.

33.6.2 TACTICAL TRAINING

If the agency has a tactical team, the agency requires that all personnel assigned to the team engage in training and readiness exercises.

Commentary: Tactical team members should have ample opportunity to practice their special skills and develop their abilities to function effectively as a team. This is necessary because many skills are perishable and should be exercised to build and maintain proficiency. Operational simulations should be included in the training program, and if the agency also has a separate hostage negotiation team, its personnel should be required to train periodically with the tactical team. All tactical training must be documented and the records retained pursuant to standard 33.1.6.

33.7.1 EMPLOYEE ORIENTATION

The written directive requires all newly appointed civilian personnel to receive information regarding:

- a. The agency's role, purpose, goals, policies, and procedures;
- b. Working conditions and regulations; and
- c. Responsibilities and rights of employees.

Chapter 34 **Promotions**

34.1.2 PROMOTION ADMINISTRATION

The responsibility and authority for administering the promotional process for the agency is vested in an identified position within the governmental body.

34.1.4 PROMOTION PROCEDURES

The procedures used for promotion within the agency are job-related and nondiscriminatory.

Commentary: Professional personnel practices should followed.

34.1.5 WRITTEN PROMOTION ANNOUNCEMENT

The agency provides an agency-wide written promotion announcement, which includes:

- a. Identification and description of the position or job classification which is intended to be filled through promotion;
- b. A schedule of dates, times, and locations for all elements of the promotional process;
- c. Specification of the requirements for participation in the promotional process; and
- d. Description of the process to be used for the testing, evaluation, and selection of personnel within the promotional process.

Commentary: All employees should be notified of all agency promotions.

Chapter 35

Performance Evaluations

35.1.1 INSTRUCTION FOR PERFORMANCE EVALUATING

The agency requires that every rater involved with the personnel performance evaluation system receive instruction in rating procedures and rater responsibilities as a precondition of such involvement.

Commentary: Supervisors should receive proper training before they evaluate subordinates.

35.1.2 ANNUAL PERFORMANCE EVALUATIONS

A written directive establishes and describes an annual personnel performance evaluation system for the agency, including measurement definitions.

35.1.3 PROBATIONARY EMPLOYEES

The agency requires and effects a written performance evaluation on all probationary employees on, at least, a quarterly basis.

35.1.4 EVALUATION OF SPECIFIC PERIOD

Evaluation of the employee's performance covers a specific period and such evaluation is based only on performance during that specific period.

Commentary: All probationers should be accurately and fairly evaluated.

35.1.9 PERFORMANCE EVALUATION COUNSELING

Each employee is counseled at the conclusion of the rating period by the individual responsible for rating such employee, concerning:

- a. Results of the performance evaluation just completed;
- b. Level of performance expected, rating criteria or goals for the new reporting period; and
- c. Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

Commentary: All personnel should receive counseling regarding performance expectations and the evaluation process. The agency must utilize proper personnel methods in the evaluation process.

35.1.10 SIGNATURE ON PERFORMANCE EVALUATION

A written directive specifies that the employee has been given the opportunity to sign the completed performance evaluation report to indicate the employee has read it.

Commentary: proper personnel practices should be in effect to protect both the employee and the law enforcement agency.

35.1.11 COPIES OF PERFORMANCE EVALUATIONS

A written directive requires that a copy of the completed evaluation report be provided to the employee if requested.

35.1.12 CONTESTED EVALUATION REPORTS

A written directive requires a review process for contested evaluation reports.

Commentary: A procedure should be in place describing how evaluation reports may be contested. (This is helpful during times when emotions may be highly charged.)

35.1.13 RETENTION PERIOD

A written directive establishes the retention period of the performance evaluation report.

Commentary: A directive establishes the retention period for performance evaluation reports and proper personnel practices, applicable ordinances and statutes should be followed.

Chapter 41

Patrol

41.1.1 24-HOUR COVERAGE

If the agency maintains 24-hour coverage, procedures for shift change provide for continuous patrol coverage.

Commentary: There should be provision for the immediate assignment of officers to emergencies at all times.

41.1.4 SPECIAL PURPOSE VEHICLES OR ANIMALS

A written directive governs agencies that utilize or have special-purpose vehicles, horses, or canine teams.

Commentary: There should be guidelines for the operation of all types of special-purpose vehicles or control of animals utilized by the agency.

41.2.1 RESPONSE TO ROUTINE AND EMERGENCY CALLS

A written directive establishes procedures for responding to routine and emergency calls and includes guidelines for the use of authorized emergency equipment.

Commentary: A emergency driving policy should be in effect within the agency that conforms to state statute and local ordinances.

41.2.2 VEHICLE PURSUITS

A written directive governs pursuit of motor vehicles, to include:

- a. Evaluating the circumstances;
- b. Initiating officer's responsibilities;
- c. Designating secondary unit's responsibilities;
- d. Specifying roles and restrictions pertinent to marked, unmarked, or other types of police vehicle involvement in the pursuit;
- e. Assigning dispatcher's responsibilities;
- f. Describing supervisor's responsibilities;
- g. Using forcible stopping/roadblocks (refer to 61.3.4);
- h. Specifying when to terminate pursuit;
- i. Engaging in inter and intrajurisdictional pursuits involving personnel from the agency and/or other jurisdictions; and
- j. Detailing a procedure for reporting and an administrative review of the pursuit.

Commentary: The agency should have clear-cut policy and procedures for pursuits. The policy should be cross-referenced with the agency's deadly force policy (see 1.3.2). All sworn personnel should be provided with this written directive. Agencies may wish to consider frequent discussion and review of these policies/procedures during shift briefings and/or in-service training sessions. The policy required for this standard should comply with Wisconsin Statute 346.031(6).

41.2.6 MISSING PERSONS INVESTIGATIONS

A written directive provides procedures for handling missing persons.

Commentary: Agency personnel should have comprehensive guidelines for the investigation of "missing persons" complaints.

41.3.1 EMERGENCY EQUIPMENT

A written directive establishes guidelines for the use of authorized emergency equipment, including emergency lights, siren, hazardous warning lights, and spotlights.

Commentary: The agency should have guidelines that provide for training in the use of emergency equipment. Officers have been instructed in their civil responsibilities while operating emergency vehicles.

41.3.3 SAFETY RESTRAINING DEVICES

A written directive requires the employee's personal use of safety restraining devices in agency vehicles.

Commentary: There should be guidelines for the use of occupant safety restraining devices by the driver and all passengers who are riding in an agency vehicle.

41.3.5 AVAILABILITY OF BODY ARMOR

The agency makes available protective vests for all sworn personnel assigned to uniform field duty and establishes written guidelines for the wearing and availability of those vests.

Commentary: The wearing of protective vests is important to officer safety. Protective vests should afford protection consistent with the threat to which officers are exposed. Possible reasons for not wearing protective vests could include, but are not necessarily limited to, excessively warm weather conditions, the regular assignment of patrol personnel to non-line duties, etc. Protective vests donated to the agency, or provided by other means, meet the requirement of the standard.

For reasons of proper fit and hygiene, it is strongly recommended the agency provide a vest for its' individual sworn personnel assigned to uniform field duty.

41.3.6 BODY ARMOR USE (HI-RISK)

A written directive requires the wearing of protective vests by personnel engaged in pre-planned, high-risk situations as defined by the agency.

Commentary: Personnel involved in the execution of high-risk tactical duties are required to wear agency provided protective vests whenever discharging those responsibilities regardless of exceptions that may have been delineated under agency guidelines meeting standard 41.3.5. Examples of high-risk tactical situations include, but are not necessarily limited to planned warrant execution, drug raids, etc.

Chapter 42 **Criminal Investigations**

42.1.1 MAINTENANCE OF INVESTIGATIVE COVERAGE

If the criminal investigation function does not provide 24 - hour coverage, an “on-call” schedule of investigators is maintained.

42.1.3 CASE FILE MANAGEMENT

A written directive establishes a system of case file management for the criminal investigation function, to include:

- a. A case status control system;
- b. Administrative designators for each case;
- c. Types of records to be maintained;
- d. Accessibility to the files; and
- e. Procedures for purging files.

Commentary: There should be guidelines for the administration and control of cases in which investigative activities are on going.

42.2.1 CONDUCTING CRIMINAL INVESTIGATIONS

A written directive establishes procedures to be used in criminal investigation, to include;

- a. Information development;
- b. Interviews and interrogation;
- c. Collection, preservation, and use of physical evidence;
- d. Execution of background investigations; and
- e. Surveillance.

42.2.2 PRELIMINARY INVESTIGATIONS

A written directive establishes steps to be followed in conducting preliminary investigations; to include

- a. Observing all conditions, events and remarks;
- b. Locating and identifying witnesses;
- c. Maintaining and protecting the crime scene and arranging for the collection of evidence; and
- d. Interviewing the complainant, witnesses, and suspects.

Commentary: There should be guidelines for when a preliminary investigation is sufficient enough to bring the case to a satisfactory conclusion. The standard is not intended to preclude the officer conducting the preliminary investigation from being assigned to the follow-up investigation.

42.2.9 INFORMANTS

A written directive specifies policies and procedures to be followed when using informants.

Commentary: In drafting this policy, agencies are encouraged to consider including the following CALEA recommendations:

- inclusion of informants in a master file;
- content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant;
- maintenance of an informant file;
- security of informant file and related codes;
- other methods to protect the identity of informants;
- criteria for paying informants, if applicable;
- precautions to be taken with informants, generally;
- special precautions to be taken with juvenile informants; and
- procedures for the use of informants by patrol officers.

Chapter 43

Vice, Drugs, and Organized Crime

43.1.1 VICE, DRUGS, AND ORGANIZED CRIME

A written directive specifies policies for receiving, processing, and investigating vice, drug, and organized crime complaints, to include:

- a. Specifying procedures for receiving and processing complaints;
- b. Maintaining a record of complaints received; and
- c. Maintaining a record of information conveyed to and received from outside agencies.

Commentary: The intent of this standard is to establish guidelines for conducting preliminary and follow-up investigations of vice, drug, and organized crime offenses.

Chapter 44 **Juvenile Operations**

44.1.1 JUVENILE OPERATIONS

A written directive governs the agency's assignment of its juvenile operations function.

Commentary: The intent of this standard is to ensure that a unit of the agency is responsible for the coordination of juvenile operations; that juveniles are dealt with fairly; and that they are not taken advantage of because of their age, trust of officials, and/or inexperience.

44.2.1 JUVENILE OFFENDERS

A written directive requires that officers dealing with juvenile offenders use the least coercive among reasonable alternatives consistent with preserving public safety, order and individual liberty, and includes, at a minimum, provisions for the following:

- a. Outright release with no further action;
- b. Criteria and procedures for issuing written citations or summonses to juvenile offenders to appear at intake in lieu of taking them into custody; and
- c. Referral to juvenile court.

Commentary: The intent of this standard is to insure that law enforcement agencies have a wide range of alternative remedies they may employ, ranging from warnings to intake. The agency should have guidelines for making diversion decisions, such as the nature of the offense, the age and circumstances of the offender, the offender's record, the availability of community-based rehabilitation programs, and recommendations for diversion from complainants or victims.

44.2.2 JUVENILES IN CUSTODY

The agency has written procedures for taking a juvenile into custody, including, at a minimum, provisions for the following:

- a. Determining whether the juvenile is alleged to have engaged in non-criminal misbehavior (a status offense);
- b. Determining whether the juvenile is alleged to have been harmed or to be in danger of harm;
- c. Ensuring that the constitutional rights of juveniles are protected;
- d. Bringing the juveniles to the intake facility or the juvenile component without delay (unless a juvenile is in need of emergency medical treatment); and
- e. Notifying parents or guardians of juveniles that the latter have been taken into custody.

Commentary: The intent of this standard is to provide guidance to agency personnel in making custody decisions in juvenile matters.

44.2.3 CUSTODIAL INTERROGATION

A written directive governs procedures for the custodial interrogation of juveniles, to include provisions for the following:

- a. Conferring with parents or guardians;
- b. Limiting the duration of interrogation and the number of officers engaging in the interrogation; and
- c. Explaining agency and juvenile justice system procedures to juveniles being interrogated.

Chapter 46

Unusual Occurrences / Special Operations

46.1.1 COMMAND AND CONTROL

Unusual occurrence and specialized units plans identify the person who will exercise command and control over all civil law enforcement resources committed to unusual occurrence and specialized operations within the agency's jurisdiction.

Commentary: The intent of this standard is to ensure that prior decisions have been made, agreed to, and reduced to writing that indicates the overall commander of law enforcement resources. (This may take considerable coordination among agencies, but it is better done before an unusual occurrence or specialized operation takes place).

46.1.2 NATURAL, MAN-MADE, CIVIL, AND UNUSUAL DISASTERS

The agency has written plan for responding to natural and manmade disasters, civil disturbances, and other unusual occurrences.

Commentary: Thorough planning is a fundamental requirement in responding to unusual occurrences outlined in this standard. Agencies responding to unusual occurrences should prepare for a variety of needs, including, but not limited to: provisions for communications, situation maps, field command posts, chain of command to include other agencies, casualty information, community relations, (public information-media briefings), other agency support, military support, martial law, public facility security, traffic control, equipment availability, de-escalation procedures, post-occurrence duties, after-action reports, transportation, court/prosecutorial liaison and other legal considerations. Of particular importance is the unified command of personnel from other agencies assisting in unusual occurrences. When appropriate, unit integrity of individual agency personnel should be maintained throughout mission assignments.

City, county, regional, and state plans should be utilized where appropriate. Existing or other mandated plans which fail to address the specifics of this standard should be supplemented by agency policy, procedures, or plan.

46.1.4 HOSTAGE AND BARRICADED PERSONS

The agency has a written plan for handling a hostage/ barricaded person situation, to include, at a minimum, provisions for the following:

- a. Attempts to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical and/or hostage negotiation personnel;
- b. Notification of tactical and hostage negotiation personnel, if these functions exist;
- c. Interaction between tactical and hostage negotiation personnel and responsibilities of each;
- d. Notification of appropriate persons within and outside the agency, such as command officers, dog handlers, or helicopter pilots;
- e. Communications with other agencies;
- f. Establishment of inner and outer perimeters;
- g. Evacuation of bystanders;
- h. Evacuation of injured persons;
- i. Establishment of the central command post and appropriate chain of command;
- j. Request for ambulance, rescue, fire and surveillance equipment;
- k. Authorization for news media access and news media policy;
- l. Authorization for use of force and chemical agents;
- m. Use of trained negotiation and support staff;
- n. Pursuit/surveillance vehicles and control of travel routes; and
- o. After-action report.

Commentary: Guidelines for hostage/barricaded person situations should be developed and tested prior to their use. Once in effect, they should be subject to annual review and, if necessary, modification.

46.1.5 BOMB THREAT

The agency has a written plan for handling a bomb threat or bomb emergency and for gaining access to a bomb disposal unit.

Commentary: The intent of this standard is to include, at a minimum, the role of personnel in ascertaining details from the bomb threat caller; notification of appropriate command personnel; formation of a security perimeter; communication procedures; organization of search teams; search procedures; equipment required by search teams; and news media access. The plan should include notification procedures for bomb disposal personnel. An evacuation policy should be established for schools and other buildings. The plan should also provide for coordination with investigators or evidence specialists responsible for apprehending suspects and/or gathering physical evidence. The plan should be reviewed annually.

46.1.6 EQUIPMENT INSPECTION

Agency equipment designated for use in unusual occurrence situations and special operations is inspected at least once each month for operational readiness.

Commentary: The intent of this standard is to ensure that a monthly inspection program exists within the agency.

46.1.7 ACCESSIBLE PLANS

Emergency operations plans are accessible to all command personnel and are reviewed and updated as needed.

46.1.8 EMERGENCY MOBILIZATION PLAN

The agency has a written emergency mobilization plan, including provisions for:

- a. Communications;
- b. Alert stages;
- c. Primary and alternate assembly areas;
- d. Equipment distribution;
- e. Special task force activation;
- f. Key personnel designations;
- g. Transportation assignments;
- h. Management control measures;
- i. Rehearsals; and
- j. Coordination with emergency management personnel.

46.2.1 SPECIAL OPERATIONS

A written directive establishes procedures for the following special operations activities at a minimum:

- a. Full-time or part-time tactical teams;
- b. Deployment of tactical teams to supplement other operational components; and
- c. Coordination and cooperation between tactical teams and other operational components.

Commentary: The intent of this standard is to identify where such assistance is available, how it is requested, and what responsibilities agency personnel are to assume until assistance arrives.

46.2.2 TACTICAL OPERATIONS

If the agency conducts tactical operations, either on a part-time or full-time basis, a written directive establishes criteria for the selection of officers assigned to those operations.

Commentary: Officers assigned to tactical operations, whether full- or part-time, should be carefully selected.

46.2.3 SPECIALIZED EQUIPMENT

If the agency has a full-time or part-time tactical team, the agency provides specialized equipment for its operations.

Commentary: Special equipment is needed to provide tactical officers with proper protection and to facilitate successful resolution of tactical operations.

46.2.4 HOSTAGE NEGOTIATORS

If the agency has hostage negotiators, a written directive specifies criteria for selection to those positions.

Commentary: Hostage negotiators should be carefully screened and selected.

46.2.5 SEARCH AND RESCUE TEAMS

If an agency performs search and rescue missions, a written directive defines the scope and procedures of their activities.

Chapter 51

Criminal Intelligence

51.1.1 ADMINISTRATION

If the agency performs a criminal intelligence function, the following procedures must be established to ensure the legality and integrity of its operations, to include:

- a. Procedures for insuring information collected are limited to criminal conduct and relate to activities that present a threat to the community;
- b. Descriptions of the types or quality of information that may be included in the system;
- c. Methods for purging out-of-date or incorrect information; and
- d. Procedures for the utilization of intelligence personnel and techniques.

Commentary: The intent of this standard is to establish agency accountability for the criminal intelligence function in writing. The function should be developed and operated to effectively meet the agency's needs.

51.1.2 SAFEGUARDS

A written directive governs procedures for the safeguarding of intelligence information and the secure storage of intelligence records separate from all other records.

Commentary: Intelligence information should be distributed only on a need-to-know basis and in conformity to applicable Open Records Statutes.

Chapter 52

Internal Affairs

52.1.1 DEPARTMENTAL COMPLAINTS INVESTIGATION

A written directive requires all complaints against the agency or its employees be investigated, and specifies:

- a. The type of complaints to be investigated by line supervisors;
- b. The type of complaints that require investigation by the internal affairs function; and
- c. The type of complaints to be reviewed by the internal affairs function.

Commentary: The intent of this standard is to provide guidelines, pursuant to Wisconsin State Statute 66.0511, regarding which categories of complaints are to be handled by the internal affairs function and which as part of routine discipline. The criteria for determining the categories of complaints to be referred to the internal affairs function may include allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct. Criteria for assignment of the investigation of the complaint to line supervisors may include, for example, alleged rudeness on the part of the officer, tardiness, or insubordination.

52.1.2 RESPONSIBLE INDIVIDUAL OR POSITION

A written directive designates a position or individual within the agency as responsible for the internal affairs function with the authority to report to the agency's chief executive officer.

Commentary: The intent of this standard is to designate an individual or a position within the agency to conduct internal investigations. (This person should have the authority of the chief executive officer to conduct internal investigations and should report directly to the chief executive officer of the agency).

52.1.5 COMPLAINANT NOTIFICATION

The agency keeps the complainant informed concerning the status of a complaint, to include at a minimum:

- a. Verification of receipt that the complaint has been received for processing;
- b. Periodic status reports; and
- c. Notification of the results of the investigation upon conclusion.

Commentary: The verification, usually in the form of a receipt, furnished to persons initiating complaints alleging misconduct on the part of the agency or an agency employee may contain a description of the investigative process. The status of investigations should be communicated to the complainant, although the degree of specificity of the notice is left to the discretion of the agency. This standard does not apply to anonymous complaints.

52.1.6 EMPLOYEE NOTIFICATION

When an employee is notified that he/she has become the subject of an internal affairs investigation, the agency issues the employee a written statement of the allegations and the employee rights and responsibilities relative to the investigation.

52.1.10 MAINTENANCE OF RECORDS

A written directive requires the agency to maintain a record of all complaints against the agency or employees and to protect the confidentiality of these records by maintaining them in a secure area.

Commentary: The confidentiality of internal affairs records is important, and proper security precautions should be taken. This records activity is a task of the internal affairs function and is an exception to the personnel records or centralized records systems.

Chapter 54

Public Information and Community Relations

54.1.1 PUBLIC INFORMATION FUNCTION

The public information function shall include, at a minimum:

- a. Assisting news personnel in covering news stories at the scenes of incidents;
- b. Being available for on-call responses to the news media;
- c. Preparing and distributing agency news releases;
- d. Arranging for and assisting at news conferences;
- e. Coordinating and authorizing the release of information about victims, witnesses, and suspects;
- f. Assisting in crisis situations within the agency;
- g. Coordinating and authorizing the release of information concerning confidential agency investigations and operations; and
- h. Developing procedures for releasing information when other public service agencies are involved in a mutual effort.

Commentary: The intent of this standard is to establish agency accountability for the public information function in writing. The function should be developed and operated to effectively meet the agency's needs. Placement of the function within the organizational structure is also addressed by standard 11.1.1. Proving compliance with this standard may be accomplished through a series of documents or a single, all-inclusive directive.

The directive should also identify those within the agency authorized to make releases when the CEO/PIO is not available. All information released should be reported to the CEO/PIO as soon as practical.

Another intent of the standard is to provide specific guidance to personnel regarding the release of information about the prior criminal record, character, or reputation of the accused; mug shots of the accused; the existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement; the results of any examinations or tests conducted or refusal by the accused to submit to any examinations or tests; the identity, testimony, or credibility of any prospective witness; any opinion of agency personnel regarding the guilt or innocence of the accused; any opinion of agency personnel regarding the merits of the case or quality of evidence gathered; personal information identifying the victim; information identifying juveniles; and information received from other law enforcement agencies without their concurrence in releasing that information.

“Other service agencies” as used above is meant to refer to all public service agencies, e.g., fire departments, coroners’ offices, and other outside agencies. Where more than one agency is involved, the agency having primary jurisdiction should be responsible for releasing, or coordinating the release of, information.

54.1.3 MEDIA ACCESS

A written directive governs the access of media representatives, including photographers, to:

- a. Scenes of major fires, natural disasters, or other catastrophic events; and
- b. Perimeters of crime scenes.

Commentary: The intent of this standard is that the agency establish media access procedures that are understood by all agency personnel.

Chapter 55

Victim and Witness Assistance

55.1.1 VICTIM AND WITNESS RIGHTS

A written directive summarizes the rights of victims and witnesses.

Commentary: The intent of this standard is that the agency has implemented the State victim bill-of-rights.

55.2.3 VICTIM AND WITNESS SERVICES

A written directive defines victim/witness assistance services to be rendered during the preliminary investigation, to include at a minimum:

- a. giving information to the victim/witness about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy;
- b. advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;
- c. informing victims/witnesses about the case number, if known by the agency, and subsequent steps in the processing of the case; and
- d. providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

Chapter 61

Traffic

61.1.2 TRAFFIC LAW ENFORCEMENT

A written directive establishes uniform procedures for taking enforcement action attendant to traffic law violations, including physical arrest, notices of infraction and warning.

Commentary: The intent of this standard is that each agency has in place a standardized traffic law enforcement program that is understood and followed by each member of the organization.

61.1.3 SPECIAL GROUP VIOLATORS

A written directive establishes procedures for handling traffic law violations committed by:

- a. Non-residents of the agency's service area;
- b. Juveniles;
- c. Legislators;
- d. Foreign diplomats and consulate officers; and
- e. Military personnel.

Commentary: The intent of this standard is to ensure that the members of the agency have received training and understand how to comply with applicable statutes when dealing with the above listed groups of violators.

61.1.4 INFORMATION PROVIDED TO VIOLATOR

At the time a motorist is charged with a violation, the agency provides information relative to the specific charge, including:

- a. Court appearance schedule;
- b. Whether court appearance by the motorist is mandatory;
- c. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail or otherwise; and
- d. Other information that must be provided to the motorist prior to release.

Commentary: The intent of this standard is to ensure that the agency personnel provide traffic violators with the necessary information needed to process the citation/infraction notice issued to them.

61.1.5 UNIFORM ENFORCEMENT

A written directive establishes uniform enforcement policies and procedures regarding:

- a. Driving under the influence of alcohol/drugs;
- b. Speed violations;
- c. Other hazardous violations;
- d. Off-road vehicle violations;
- e. Equipment violations;
- f. Public carrier/commercial vehicle violations;
- g. Other non-hazardous violations;
- h. Multiple violations;
- i. Newly enacted laws and/or regulations;
- j. Violations resulting in traffic accidents; and
- k. Pedestrian and bicycle violations.

Commentary: The intent of this standard is to enumerate the type of enforcement action the officers of the agency will be expected to take on the above listed traffic violations. The policy should provide for officer discretion for deviating from the policy. The officer on the scene must make the final decision on the type of enforcement action to take based on his/her training, experience and common sense. When drafting the policy, consideration should be given to the fact that changing driving behavior is the main purpose of traffic law enforcement. The officer on the scene is in the best position to determine which type of enforcement action will best accomplish this.

61.1.7 STOPPING AND APPROACHING

A written directive establishes procedures for stopping and approaching traffic law violators.

Commentary: Although enforcing traffic laws is one of the more routine functions that law enforcement officers perform, all too frequently officers are injured or killed in the process. Therefore, the agency should provide detailed instructions to officers on procedures for making contact with offending motorists, methods for making effective stops that are safe for the officer and the motorist, approach procedures, and responsibilities for calling in traffic stop information, etc. The instructions should cover all potential situations from routine to high-risk stops.

61.2.1 REPORTING AND INVESTIGATING ACCIDENTS

A written directive establishes procedures and assigns responsibility and accountability for reporting and investigating traffic accidents generally, and specifically involving:

- a. Death or injury;

- b. Property damage;
- c. Hit and run;
- d. Impairment due to alcohol or drugs;
- e. Hazardous materials; and
- f. Occurrences on private property.

Commentary: The intent of this standard is to specify the type of accidents that require investigation; and that those accidents meeting the state requirements of what constitutes a reportable accident, be sent to the state for processing.

61.2.2 OFFICER RESPONSE

A written directive requires officer response to the scene of a traffic accident involving any of the following:

- a. Death or injury;
- b. Hit and run;
- c. Impairment of an operator due to alcohol or drugs;
- d. Damage to public vehicles or property;
- e. Disturbance between principles;
- f. Major traffic congestion as a result of the accident;
- g. Damage to vehicles to the extent towing is required; or
- h. Hazardous materials

Commentary: The intent of this standard is to ensure that civil tort interests of the parties involved in collisions and criminal/civil laws of the jurisdiction are protected. When drafting the policy consideration should be given to officer reporting requirements, the need for supervisory action, the possible destruction and chain of evidence, the importance of recording witness statements in a timely manner, the public's evaluation of officers congregating at accident scenes when their assistance is not needed, and other concerns of the jurisdiction.

61.2.3 ACCIDENT SCENE PROCEDURES

A written directive specifies accident scene responsibilities for responding officers, including procedures for:

- a. Determining the officer or investigator who is in charge at the scene;
- b. Identifying and dealing with injured persons;
- c. Identifying and dealing with fire hazards and/or hazardous materials;
- d. Collecting information; and

- e. Protecting the accident scene.

Commentary: The intent of this standard is to provide procedural guidance to officers responding to accident scenes, who may be the first to arrive, as well as to establish a procedure by which the officer in charge or investigator in charge is determined.

61.3.2 TRAFFIC DIRECTION AND CONTROL FUNCTION

A written directive governs the agency's traffic direction and control functions.

Commentary: The intent of this standard is to ensure that manual control of traffic is performed uniformly within the agency. Concern should be given to the training of all personnel in manual control of traffic.

61.3.3 ESCORT SERVICES

A written directive governs provisions for:

- a. Law enforcement escort services; and
- b. Escorts of civilian vehicles in medical emergencies.

Commentary: The directive should specify the circumstances, both routine and emergency, under which escort services should be provided; the procedures for processing routine or emergency requests for escort; and the identification of agency personnel authorized to approve such requests. The directive should include escort of public officials, dignitaries, emergency vehicles, funerals, oversize vehicles, and hazardous or unusual cargo. The agency should also establish procedures for ensuring the adequacy of private escort services for oversize vehicles and hazardous cargo carriers.

Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and should be avoided whenever possible. In medical emergencies, the patient should be transported by ambulance whenever possible. If escorts are authorized, the directive should establish guidelines to ensure the safety of the patient, the officer, and all other highway users.

61.3.4 ROADBLOCKS

A written directive describes circumstances warranting the use of roadblocks and specifies procedures for implementation.

Commentary: The extreme dangers inherent in the use of roadblocks mandate guidelines for their use. The directive should specify the types of roadblocks authorized for use, e.g., moving, fixed, or circle system, and the circumstances justifying their use, e.g., to stop a fleeing felon. The procedures should specify who has authority to implement and/or cancel a

roadblock, the person in charge at the scene, and staffing arrangements. Whenever possible, planning should take place prior to implementation of the roadblock. Officers should be trained in roadblock techniques and properly equipped to set them up. Standards 1.3.2 and 41.2.2 are cross-references to this standard.

61.4.1 ASSISTANCE TO HIGHWAY USERS

A written directive governs the provision of assistance and protection to highway users.

Commentary: The intent of this standard is that a policy be in place within the agency that guides personnel in their efforts to render assistance and protection to motorists in need of emergency assistance.

61.4.2 HAZARDOUS HIGHWAY CONDITIONS

A written directive specifies procedures for taking action to correct hazardous highway conditions.

Commentary: The policy should indicate to all personnel the gravity of street and highway hazards and set forth a procedure for the officers to report hazards and to protect the public from them.

61.4.3 ABANDONED VEHICLES

A written directive specifies procedures for the following:

- a. Handling of abandoned vehicles;
- b. Removal and towing of vehicles from public and private property; and
- c. Maintaining records of all vehicles removed, stored, or towed at the direction of an officer.

Commentary: The directive should define the circumstances under which vehicles are considered abandoned and when and how they are to be removed.

Procedures are needed for removal or towing of vehicles that are illegally stopped, standing, or parked; stolen or abandoned; and/or in the agency's custody. In addition, the directive should establish procedures to notify the registered owner of the removal or tow and to afford the owner the opportunity for a hearing to determine the legality of such removal or tow.

Whenever a vehicle is removed or towed at the direction of an officer, a written record should be made of the time, date, location, requesting officer, reason for removal or tow, charges pending, towing service, location of the vehicle, and notification or attempted notification of the registered owner.

Chapter 71 **Prisoner Transportation**

71.1.1 SEARCH OF PRISONERS

A written directive requires the transporting officer to search the prisoner before being transported.

Commentary: The transporting officer is legally responsible for the safety and custody of the prisoner being transported. It must be assumed that the prisoner may have had an opportunity to obtain contraband or a weapon prior to the time he or she is accepted for transport by the officer. It should never be assumed by the officer that someone else has searched the prisoner. Prisoners should be searched each time they come into the transporting officer's custody, including transport to and from court appearances.

The directive should clearly define agency policy on the types of searches that may be conducted, describe when and where they may be conducted, and provide strict procedures on how and by whom each type of authorized search may be performed. Exceptions if allowed, should be listed. If conducted, strict guidelines on "strip" searches and/or "body-cavity" searches should be established and included in this directive (see 1.2.8).

71.1.2 SEARCH OF TRANSPORTATION VEHICLES

A written directive requires examination at the beginning of each shift of all vehicles used for transporting prisoners and the search of any transport vehicles prior to and after transporting prisoners.

Commentary: The intent of this standard is to ensure that any vehicle used to transport a prisoner is free of weapons and contraband before and after the prisoner comes in contact with the vehicle. An examination before beginning each shift will ensure the vehicle has not been tampered with since last used, is free of weapons and contraband, is mechanically safe, is free of damage or defect, and is properly equipped for use.

Each time a prisoner is to be transported, the vehicle should be examined to ensure that no weapons or contraband are present. Some latitude may be allowed where an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the prisoner to the vehicle; however, most vehicles will not have been under constant supervision and officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a prisoner has been removed from the vehicle, a thorough search should be conducted as soon as practical, but, in all cases, before the vehicle is reused. This will not only ensure that the prisoner has left nothing in the vehicle, but if items are found, link them in a timely manner to the prisoner.

In special transport situations, it is the transporting officer's responsibility to ensure that the vehicle is safe and equipped with appropriate items; for example, spare tire, jack, lug wrench, and safety flares. The condition of the vehicle itself should be examined, including proper inflation of tires, fuel and oil levels, ignition system, and engine operation. The transporting officer should have proper forms or credit cards for procurement of gasoline, as well as all prisoner-related documentation.

71.1.3 LOCATION OF OFFICERS IN VEHICLE

A written directive requires that transporting officers be seated in specific locations within the vehicle, depending upon the number of prisoners to be transported and the number of escort officers used.

Commentary: For safety reasons, the prisoner should be under observation at all times. Opportunities for escape or attack on transporting officers, for example, should be reduced as much as possible. The prisoner should be made as comfortable as possible, given the length of the trip being made, and secured to the maximum degree with appropriate restraining devices (see 71.2.1) and fastened seat belt (see 41.3.3).

71.1.5 COMMUNICATION BY PRISONERS

A written directive prescribes circumstances under which the prisoner may communicate with others while being transported.

Commentary: Safety aspects of the transport function require that the prisoner's right to communicate with attorneys and others will not normally be exercised during the period that the prisoner is being transported.

71.1.6 ACTIONS AT DESTINATION OF TRANSPORT

A written directive prescribes actions at the destination of officers transporting prisoners to a facility, to include at a minimum:

- a. Securing firearms for safekeeping;
- b. Removing restraining devices just prior to placing the prisoner in the cell;
- c. Delivering documentation to the receiving officer;
- d. Obtaining the signature of the receiving officer and/or written documentation detailing the prisoner transaction; and

- e. Advising receiving agency personnel of any potential medical or security hazards.

Commentary: Procedures for the release or transfer of prisoner medical information should address the need to comply with controlling legislation. In lieu of a written receipt the officer may document the transfer of the prisoner in a written report to include the receiving official's name.

71.1.7 PRISONER ESCAPE

Following an escape of a prisoner while being transported, the transporting officer takes actions prescribed by a written directive, to include, at a minimum, the following:

- a. Persons to be notified;
- b. Reports to be prepared; and
- c. Further actions to be taken.

Commentary: If the escape occurs in another jurisdiction, the authority of the escort officer to take action in recovering the prisoner will depend upon the powers officers have in that jurisdiction. Depending upon the state, these will include peace officer powers anywhere within the state, within a mutual aid area, or only within the specific jurisdiction served by the officer.

71.1.8 UNUSUAL RISK

A written directive requires that the agency notify the appropriate agency or court when a prisoner to be transported to another agency or court is considered an unusual security risk.

Commentary: In such cases, the receiving agency may take additional security steps or the judge may allow or direct the use of restraining devices in the court and may request the assignment of additional officers for security while at the court.

71.2.1 RESTRAINING DEVICES DURING TRANSPORT

A written directive describes restraining devices and methods to be used during prisoner transports with exceptions noted.

Commentary: It is necessary for officers to know when and how prisoners are to be restrained and when, where, and how particular restraining devices are to be employed, including special and prohibited methods (see 41.3.3). Agencies should be aware that some techniques have been found to contribute to serious physical injury or death, e.g., "positional asphyxia" and should be prohibited. For example, in transporting more than one prisoner, should each be handcuffed with hands in front and arms intertwining or may a prisoner be handcuffed to any part of the

vehicle? The directive should also take into account circumstances under which the prisoner is to be transported by vehicle over a period of several hours.

It should not be assumed that restraining devices are unnecessary for disabled prisoners. A prisoner in a wheelchair or one who uses walking aids may not require the use of restraining devices in all instances. Restraining devices also may be harmful to sick or injured prisoners, depending upon the nature of the sickness or injury. The written directive in both situations should be specific in defining circumstances when restraining devices would and would not be necessary and the extent of the officer's discretion in their application.

Mentally disabled prisoners may pose a significant threat to themselves and/or the transporting officers. The selected device should restrain the prisoner securely without causing injury. These devices should be required whenever practical but should not preclude the use of handcuffs in emergency situations. The types of restraints used should be indicated on the transfer document.

71.3.1 SICK, INJURED, OR DISABLED PRISONERS

A written directive prescribes procedures for transporting sick, injured, or disabled prisoners.

Commentary: If a prisoner becomes sick or is injured incidental to arrest, the arresting officer should seek medical attention at that time, if at all possible. If the prisoner is not provided care in a medical facility or is not transported to a medical facility initially but is taken to the booking point, the directive should define the actions to be taken at that time for providing medical attention to the prisoner.

Physically and mentally disabled prisoners' present conditions for their transport that dictate special care and attention. For example, the type of vehicle used would be a consideration when transporting nonambulatory prisoners or those requiring wheelchairs, crutches, or prosthetic appliances. It may be necessary to transport medicine, insulin, and other special items for certain prisoners during transport. The safety of the prisoner and the transporting officer requires due care when transporting disabled prisoners.

71.3.2 HOSPITALS

A written directive establishes procedures for the security and control of prisoners transported to medical care facilities or hospitals for treatment, examination, or admission.

Commentary: Prisoners who are taken for immediate treatment should be closely monitored. Opportunities for escape, suicide and assault on hospital personnel or the transporting officer should be guarded against and will be more prevalent if the prisoner is unrestrained and/or out of sight. If restraints should be removed for treatment, caution should be exercised while the prisoner is unfettered. Only under unusual circumstances will the prisoner be allowed out of the transporting officer's sight.

If the prisoner is admitted to the hospital, the agency may need to provide additional security. Some measures to consider are the type and period of treatment, degree of risk, isolation, 24-hour coverage, continued use of restraints, meals and utensils, monitoring all personal contacts with the prisoner, etc. Visitors should be prohibited, including telephone contact with the prisoner.

Officers assigned to guard the prisoner should be cautioned not to become lax while performing their duty. Long tedious hours, with little activity, easily lead to complacency and carelessness. Officers should also avoid fraternizing with the prisoner at any time. Any unusual occurrence should be recorded. Frequent rotation of guards and close supervision by superiors is recommended.

When released from treatment, the prisoner's condition should be carefully recorded. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician. Before moving, the prisoner should be searched and restrained (see 71.1.1 and 71.2.1).

71.3.3 SPECIAL TRANSPORTATION SITUATIONS

A written directive prescribes procedures for transporting prisoners in special situations.

Commentary: The unusual circumstances surrounding such situations as attending funerals, transporting opposite sex prisoners, visiting hospitals and critically ill persons, or attending the reading of a will provide extraordinary opportunities to a prisoner for unauthorized personal contact, escape, or inflicting injury on himself or others. Therefore, special precautions and security measures should be stipulated and employed.

Chapter 72 **Custodial Care**

Most standards in this chapter apply only to those agencies operating short-term holding facilities to maintain custody of detainees for periods usually not exceeding 72 hours, excluding holidays and weekends. Such facilities include substations or precinct lockups, as well as facilities operated as collection centers in which detainees are held for periods not exceeding 72 hours before their transfer to longer-term detention facilities. Also included are facilities under the control of the agency located in the court and used by the agency's court security officer(s) to hold detainees awaiting appearances.

Not included in this category are holding facilities co-located with and operated as an integral part of a jail or other correctional institution whose primary purpose is to house detainees for periods exceeding 72 hours. Agencies operating such facilities should contact the Commission on Accreditation for Corrections for possible accreditation.

Subchapter 72.9 (Temporary Detention) applies to agencies that have no holding cells per se but may detain or hold persons for a period not to exceed two hours in a room, space, or area for the purpose of processing, questioning, or testing. In this instance, the detainee may not be under the continuous control or supervision of agency personnel. The period when detainees are not under the continuous control or supervision of agency personnel may not exceed two hours. In the rare circumstance when a detainee is shackled to an immovable object designed and intended for such use, the restraint period may not exceed two hours. This method of detention should be use only when no other suitable method of detention is available.

Applicability of these standards may be determined on a case-by-case basis. However, as a general rule, standards in this chapter will be applied when a person is locked into any space or is shackled to an immovable object and is not continually under the direct, personal supervision and control of another person who can immediately intervene on behalf of the agency or the detainee. These standards will not apply when an agency has no holding facility and keeps its detainees under continual supervision and control.

72.1.1 HF OPERATIONS TRAINING

A written directive requires that personnel receive training on the operations of the holding facility, to include fire suppression and equipment provided for use by the agency.

Commentary: Types and levels of training should vary with the nature of assignments and responsibilities. Employees who work in direct, continuing contact with detainees require special training, including use of physical restraint, to ensure safety and security of staff and detainees.

Employees who do not work in direct contact with detainees should receive an orientation on the operation of the holding facility and their role, if any.

Fire suppression may include smoke and fire detectors, fire extinguishers, fire hoses to one and one-half inches, and air packs (see 72.3.1).

72.2.1 HF MINIMUM CONDITIONS

Holding facilities provide the following minimum conditions for detainees:

- a. Adequate lighting as required by local code or ordinance;
- b. Circulation of fresh or purified air in accordance with local public health standards;
- c. Access to a toilet and drinking water;
- d. Access to wash basin or shower for detainee held in excess of eight hours; and
- e. A bed and bedding for each detainee held in excess of eight hours.

Commentary: Sufficient air, lighting, and sanitary facilities are essential to the health of detainees. Bedding issued to detainees held overnight should be clean, sanitary, and fire-retardant. The directive may provide exceptions for detainees who are deemed to be suicidal.

72.3.1 FIRE/HEAT/SMOKE DETECTION

The facility has an automatic fire alarm and heat and smoke detection system, fire equipment approved in writing by state or local fire officials, and a written directive prescribing fire prevention practices and procedures to include:

- a. A weekly documented visual inspection and a semiannual documented testing of fire equipment; and
- b. A daily visual inspection and documented testing of the automatic fire detection devices and alarm systems as required by local fire code.

Commentary: Reasonable provisions for testing and or self-testing of the technology employed should be established to ensure the integrity and reliability of the system. The agency should plan and execute all reasonable procedures for the prevention and prompt control of fire, e.g. the current Life Safety Code as published by the National Fire Protection Association (see 72.1.1).

72.3.2 EVACUATION PLAN

There is a written and posted emergency evacuation plan for the facility and a designated and signed emergency exit directing evacuation of persons to hazard-free areas.

Commentary: If possible, two separate means of emergency exit should be provided. The evacuation plan should specify route of evacuation and subsequent disposition and housing of detainees. The plan also should include provisions for first aid and hospital transportation.

72.4.1 SECURING FIREARMS

A written directive specifies that firearms will be secured before entering the holding facility, and, if any exceptions or conditions are permitted in emergencies, they are included in the directive.

Commentary: The agency should consider any other items such as knives, batons, chemical sprays, etc., it may want to exclude from the holding facility environment when formulating its directive on the exclusion of firearms.

72.4.5 SECURITY CHECKS

A written directive requires a security check, including searching for weapons and contraband, prior to each use of an unoccupied cell.

Commentary: A security check, including a search for weapons and contraband, should be made of each unoccupied cell prior to use. In addition, a cell should be checked when it becomes unoccupied. The written directive should indicate who is responsible for making this security check and require that any conditions observed be reported immediately to supervisory personnel either verbally or in writing.

72.4.7 TOOLS/CULINARY CONTROL

A written directive governs control of tools and culinary equipment.

Commentary: A strict accounting should be made of all tools and utensils coming in and going out of the facility, as well as strict visual supervision of their use while inside the facility. A system to control tools and culinary equipment brought into the facility should apply to agency personnel and outside maintenance persons alike.

72.4.8 ALERTING CONTROL POINT

The agency has a system in the holding facility to alert a designated control point in the event of an emergency.

Commentary: An audio communication system may be enhanced by the use of video equipment to supplement personal supervision by staff. Detainees also can use the system to advise staff of emergency needs (see 72.8.2).

72.5.1 DETAINEE SEARCH AND PROPERTY INVENTORY

A written directive establishes procedures for a search of the detainee to include:

- a. An inventory search of the detainee at the time of booking and prior to entry to the holding facility; and
- b. An itemized inventory of property taken from the detainee.

Commentary: To precisely identify the types and scope of searches to be conducted by agency personnel. The directive should be consistent with current legal standards concerning the conduct of strip searches and body cavity searches (see 1.2.8). The written directive should also specify which items the detainee may retain and which may not. It is important to record carefully all property pending its return at the time of release. Unauthorized items and confiscated contraband should be shown on the inventory along with the detainee's signature, and a copy placed in the detainee's file. If possible, this process should be witnessed. If the detainee refuses to sign the inventory, it should be so noted.

72.5.2 SECURE PROPERTY STORAGE

A written directive requires the secure storage of any property taken from detainees.

72.5.3 INTAKE FORMS

A written directive requires that an intake form is completed for every person booked into the facility and contains the following information to the extent permitted by law:

- a. Arrest information; and
- b. Property inventory and disposition.

Commentary: Intake information should enhance the ability of the facility staff to promote conditions that contribute positively to the health and security of the detainee, to the safety of others, to the security of property, and to the positive identification of the detainee. Standard 72.6.3 sets forth the requirements for medical screening of detainees on booking into the facility and before transfer to another facility.

72.5.4 MALE/FEMALE/JUVENILE SEPARATION

If males, females, and/or juveniles are required to be detained at the same time, their holding areas are separated from each other by sight and sound.

Commentary: The intent of this standard is to ensure the segregation of three detainee types. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees. Females should be separated from areas where males are detained.

Sound for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Persons supervising detainees should control yelling and screaming.

Agencies may comply with this standard by developing written procedural alternatives to avoid detaining males/females/juveniles in the same area.

72.5.5 DETAINEE SEGREGATION

A written directive prescribes methods for handling, detaining, and segregating persons under the influence of alcohol or other drugs or who are violent or self-destructive.

Commentary: The holding facility is not normally equipped to provide treatment to persons under the influence of drugs or alcohol. Such persons should be detained in other facilities, when available. When these facilities are not available, special consideration should be given to ensuring that the potential for detainees to injure themselves or others is minimized. Such detainees should remain under close observation by facility staff.

72.5.6 DETAINEE FROM OTHER AGENCY

If detainees are received from an outside agency, positive identification is made of the person presenting the detainee for detention, including verification of the person's authority to make the commitment.

Commentary: If unknown, the person presenting the detainee for detention should be required to produce appropriate identification and his or her legal authority to make the commitment. Phone calls may be necessary to verify the identity of the presenting party.

72.5.7 MASS ARREST

A written directive prescribes space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the holding facility.

Commentary: The directive should address such matters as provision for extra personnel, additional physical facilities, and booking and detention procedures.

72.5.8 ID UPON RELEASE

A written directive requires positive identification be made before detainee is released.

72.5.9 RETURN OF PROPERTY

A written directive governs the return of property to detainees upon release.

Commentary: Property should be compared with the inventory list and, if everything is in order, the detainee should sign a receipt for property returned. Property retained for evidentiary or other purposes should be noted on the receipt. If the detainee is released to a transporting officer for transfer to another facility, the property should be given to the transporting officer, who should sign the receipt. The facility should maintain a copy of the receipt for its files.

72.6.1 MEDICAL ASSISTANCE PROCEDURES

A written directive, approved by a licensed physician, identifies the policies and procedures to be followed when a detainee is in need of medical assistance.

Commentary: Arrangements for detainee emergency health care should be made with a local medical facility. If possible, a licensed health care professional should be identified as the emergency health care contact person. At least one on-duty person should be certified in first aid. The intent of this standard is to ensure that staff recognize, take immediate action on, and report all detainee medical emergencies.

72.6.2 FIRST-AID KIT

A first aid kit is available in all facilities and is subjected to a documented weekly inspection and replenished, as necessary.

Commentary: First aid equipment available to facility personnel should provide a capability for proper response to a broad range of anticipated emergencies.

72.6.3 RECEIVING/SCREENING INFORMATION

A written directive requires that detainee “receiving screening” information be obtained and recorded when detainees are admitted to the facility and before transfer to another facility. Receiving screening must include an inquiry into:

- a. Current health of the detainee;
- b. Medications taken by detainee;
- c. Behavior, including state of consciousness and mental status; and
- d. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

Commentary: The intent of this standard is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women.

Receiving screening may be performed by allied health personnel or by trained correctional officers at the time of booking. The information obtained may be recorded on a separate form designed for this purpose or recorded with other information obtained during the booking process (see 72.5.3). In addition, a record should be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

72.6.5 PHARMACEUTICALS

A written directive controls distribution and documentation of pharmaceuticals within the facility, to include over the counter medications and medications belonging to the prisoner.

Commentary: Procedures should be in place to verify prisoner medication and the dosage limits and requirements.

72.8.1 24-HOUR SUPERVISION

A written directive requires 24-hour supervision of detainees by agency staff, including a count of the detainee population at least once every eight hours, and establishes procedures to ensure that agency staff visually observes the detainee at least every thirty minutes.

Commentary: Twenty-four-hour supervision is essential for maintaining security and ensuring the safety and welfare of detainees. Supervision, as used in this standard, assumes agency staff is present in the same building that houses the holding facility and not at a remote location. One intent of this standard is to prohibit delegating supervision to a trustee. In addition to a count of the detainee population at least once every eight hours, other counts may be necessary prior to and following certain activities, such as night lockup, recreation, and meals.

Care should be taken during physical checks that the detainee does not anticipate the appearance of agency staff. Detainees who are security risks should be under closer surveillance and require more frequent observation. This classification includes not only detainees who are violent but also those who are suicidal or mentally ill or demonstrate unusual or bizarre behavior.

72.8.2 SURVEILLANCE EQUIPMENT

If audio and/or visual electronic surveillance equipment is used, a written directive specifies that the equipment will be controlled to reduce the possibility of invading a detainee's personal privacy.

Commentary: Electronic surveillance devices, such as television cameras and listening devices, should be used primarily at critical locations of movement in the facility. They should not be used in such a way that they violate the personal privacy of detainees. Exceptions may be made, and they should be noted in the directive (see 72.4.8).

72.8.4 MAIL

If detainees are allowed to receive mail or packages while incarcerated, a written directive regulates procedures, to include:

- a. Accepting and inspecting items;
- b. Listing items that are not authorized;
- c. Recording received items in the detainees' property record; and
- d. Distribution to the detainee.

Commentary: Holding facilities are generally not prepared to deal with the problems and hazards associated with receiving property on behalf of a detainee in their custody. To avoid problems, agencies may wish to prohibit all deliveries to detainees until they are released or transferred to a long-term correctional institution.

If allowed, cash, checks, or money orders received from incoming mail or from visitors should be carefully inspected, duly receipted, added to the detainee's property inventory report, and housed with the detainee's other property. All items received should be carefully inspected for weapons, contraband, or threats to the security of the holding facility.

The policy chosen by the agency should be in writing and consistently applied in all situations.

72.8.5 VISITORS

A written directive governs procedures for visiting detainees.

Commentary: Holding facilities are generally not equipped to handle visitors. Visits should be discouraged until detainees arrive at the appropriate correctional institution where visitations can be appropriately managed.

Holding facility security is paramount. All contact with a detainee should be closely monitored and controlled to avoid transfer of weapons or contraband. In exceptional situations, where a detainee should meet with a visitor, such as an attorney, the detainee should be removed from the holding facility and brought to another location for the meeting.

The detainee should be carefully searched before leaving and re-entering the holding facility. Each visitor should be required to register his or her name, address, and relationship to detainee upon entry. Generally, all visitors, and their belongings, coming into direct contact with detainees should be searched.

72.9.1 TEMPORARY HOLDING FACILITY PROCEDURES

A written directive identifies procedures for the following:

- a. Supervision and accountability for temporary detainees;
- b. Authorization for use of the temporary holding area;
- c. Temporary restraint of detainees by securing them to fixed objects;
and
- d. The separation of males, females, and juveniles.

Commentary: Agencies often need to interview or detain persons before they are arrested or booked. Daily police operations are often unpredictable, and it may be necessary to use a room, space, or area to separate persons under arrest, maintain control, wait for bonding, clean up a temporary booking backlog, or prepare paperwork for court.

72.9.2 THE MINIMUM CONDITIONS

A written directive establishes minimum physical conditions for the temporary holding area or room and provides for access to water, restrooms, and other needs.

Commentary: These items are not required to be in the room, but the agency is responsible to ensure these items are provided in a timely manner.

72.9.3 THE 2 HOUR CONTINUOUS SUPERVISION

If the temporary holding area is used, the period of time that a detainee may be held without continuous control or supervision of agency personnel will not exceed two hours.

72.9.4 THE SECURING TO IMMOVABLE OBJECTS

If a detainee is to be secured to an immovable object, it will be designed and intended for such use.

Commentary: This method of detention should only be used when no other suitable method is available. Immovable objects designed for this purpose may include a bar or ring to which a handcuff can be secured.

72.9.5 THE EVACUATION PLAN

There is a plan for fire prevention, fire evacuation, and fire suppression for the temporary holding area or room.

72.9.6 THE SECURITY CONCERNS

A written directive addresses the following security concerns in the temporary holding area:

- a. Weapons control;
- b. Panic or duress alarms;
- c. Access to area and prisoner;
- d. Escape prevention;
- e. Search of detainee;
- f. Security inspection; and
- g. Visual observation of detainee at least every thirty minutes.

Commentary: Some detainees are a potential threat to themselves and agency staff so appropriate safety precautions should be taken while maintaining legal and reasonable conditions of treatment. The standard does not require the agency to adopt any specific procedures or the installation of alarms.

72.9.7 THE OPERATIONS TRAINING

A written directive requires training for all agency staff with any responsibility for detainees in temporary custody.

Chapter 81 **Communications**

81.1.1 AGREEMENTS FOR AUTHORIZING DOCUMENTS

If the communications function is provided by a shared or multi-jurisdictional entity, written agreements or authorizing documents govern the authority and responsibility of both the agency and the entity, and include, at a minimum, provisions for complying with all applicable standards for this function on behalf of the agency.

Commentary: When the communications function is shared or delegated to another entity, it is necessary to specify accountability and achieve compliance with this chapter.

81.1.2 FEDERAL COMMUNICATIONS COMMISSION REQUIREMENTS

A written directive requires that the agency's radio operations be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

81.2.1 TELEPHONIC EMERGENCY CALLS FOR SERVICE

The agency provides 24-hour, toll-free telephone access for emergency calls for service or other area single police emergency numbers.

Commentary: Access to law enforcement agencies by the public at all times is crucial in obtaining information or assistance that may be needed in emergencies.

81.2.3 CONTINUOUS COMMUNICATIONS

The agency has 24-hour two-way radio capability providing continuous communication between the communications center and officers on duty.

Commentary: Immediate communications capability provides a measure of safety and security to law enforcement officers and the public. This standard ensures that on-duty uniformed officers have the means for constant radio communication. In most situations, portable transceivers are required to enable officers on foot patrol and those away from their patrol vehicles to maintain communications with the dispatch center for exchanging information, requesting assistance, receiving orders or instructions, and responding to calls for service. In some remote geographic areas where portable transceivers are ineffective, mobile transceivers may be acceptable.

This does not require 24-hour patrol but rather the resources necessary to handle emergency calls.

81.2.4 OBTAINING AND RECORDING INFORMATION

A written directive establishes procedures for obtaining and recording relevant information of each request for criminal and non-criminal service or self-initiated activity, to include:

- a. Control number;
- b. Date and time of request;
- c. Name and address of complainant, if possible;
- d. Type of incident reported;
- e. Location of incident reported;
- f. Identification of officer(s) assigned as primary and backup;
- g. Time of dispatch;
- h. Time of officer arrival;
- i. Time of officer return to service; and
- j. Disposition or status of reported incident.

Commentary: A control system can be a card, log, or computer entry that permits a permanent record to be maintained.

81.2.5 RADIO COMMUNICATIONS TO AND FROM FIELD PERSONNEL

A written directive establishes procedures for radio communications to and from field officers, to include:

- a. Specification of the circumstances requiring radio communications by field personnel;
- b. The recording of the status of officers when out of service;
- c. The methods used for identifying officers during radio transmissions;
- d. Communication with interacting agencies;
- e. Criteria for the assignment of the number of officers in response to an incident; and
- f. Circumstances that require the presence of a patrol supervisor at the scene for the purpose of assuming command.

Commentary: Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know officer identification numbers, the status of officers, their locations, the nature of cases, and the developments in their investigations.

81.2.6 ACCESS TO INFORMATION BY COMMUNICATIONS PERSONNEL

Communications personnel have immediate access to at least the following departmental resources:

- a. Officer in charge;
- b. Duty roster of all personnel;
- c. Residential telephone number of every agency member;
- d. Visual maps detailing the agency's service area;
- e. Officer status indicators;
- f. Written procedures and telephone numbers for procuring emergency and necessary external services to the agency; and
- g. Tactical dispatching plans

Commentary: Communications personnel should have immediate access to such information as all agency members working hours and residential telephone numbers and other pertinent non-agency numbers.

81.2.8 IMMEDIATE PLAYBACK CAPABILITY

The agency has the capability of immediate playback of recorded telephone and radio conversations while it maintains a continuous recording of radio transmissions and emergency telephone conversations within the communications center. A written directive establishes procedures for the following:

- a. A requirement that recordings be retained for a minimum period of 30 days;
- b. Secure handling and storage for recordings; and
- c. Criteria and procedures for reviewing recorded conversations.

Commentary: These recordings are an indispensable source for criminal investigations, internal investigations, training, and audits of the agency's service delivery system. Access to secure recordings should be limited and available only through a specific procedural method.

The citizen requesting service or the officer wanting assistance may not be able to repeat an emergency conversation that was garbled or too quick for easy understanding. Therefore, the agency should have the capability to replay a conversation while recording other calls and radio transmissions.

The capability of continuous recordings can be provided with a parallel dual-load recorder.

81.2.9 CRIMINAL JUSTICE INFORMATION SYSTEMS

If local, state, and federal criminal justice information systems exist, the agency participates and/or has access to such a system.

Commentary: Agencies should have the equipment they need to gain access to information from other local, state, and federal agencies.

81.2.10 INTER-JURISDICTIONAL COMMUNICATIONS

If the agency is required to access an inter-jurisdictional, regional, or area law enforcement radio system, the communications function has, at a minimum, the necessary equipment to access that system.

81.2.12 MISDIRECTED EMERGENCY CALLS

A written directive establishes procedures for prompt handling and appropriate routing of misdirected emergency calls.

Commentary: The intent of this standard is to ensure the proper services are rendered in an expeditious fashion.

81.2.13 PRIVATE SECURITY ALARMS

A written directive establishes procedures for monitoring and responding to private security alarms.

81.1.15 FIRST AID INSTRUCTION

If the agency authorizes emergency first-aid instruction over the telephone or radio, employees must be trained and have immediate access to approved emergency medical guidelines or materials.

Commentary: The training should be approved by a competent authority and should be designed to provide emergency life saving information to callers until emergency medical personnel arrive at the scene. Retraining should also be provided on a schedule approved by a competent authority. The material/guidelines and training should be complementary.

81.3.1 COMMUNICATIONS CENTER SECURITY

Security measures for the communications center are in place to:

- a. Limit access to the communications center to authorized personnel;
- b. Protect equipment;
- c. Provide for back-up resources; and
- d. Provide security for transmission lines, antennas and power sources.

Commentary: The capability to maintain communications in all emergency situations dictates that security measures be implemented to protect communications personnel, facilities, and equipment. Protective

measures may include locating the center and equipment in areas providing maximum security, installing bullet resistant glass in areas of public access, and restricting access to the communications center. Providing security for equipment may be done with a combination of security cameras, fences, or other measures based on the needs of the agency.

81.3.2 ALTERNATE POWER SOURCE

The agency has an alternate source of electrical power that is sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary power source. A documented inspection and test of the alternate power source is completed at least monthly or in conformance with manufacturer recommendations.

Commentary: Disruptions in the primary power source frequently occur. The agency should ensure continuous emergency communications capability through an alternate power source. The readiness of the alternate equipment should be ensured by reasonable testing or self-testing of the technology employed.

Chapter 82

Records

82.1.1 RECORDS SECURITY

A written directive establishes privacy and security precautions for the agency's records and, at a minimum, includes the following:

- a. Procedures for the separation of juvenile criminal records from adult criminal records;
- b. Procedures for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification pertaining to juveniles;
- c. Physical security and controlling access to agency files; and
- d. Procedures and criteria for the release of agency records.

Commentary: Privacy and security precautions for the central records function should be in place pursuant to Wisconsin Statute 938.396.

82.1.4 ACCESSIBILITY OF RECORDS TO PERSONNEL

Central records information is accessible to operations personnel at all times.

82.2.1 FIELD REPORTING SYSTEM

A written directive establishes a field-reporting system to include:

- a. Guidelines to indicate when reports must be written;
- b. Forms to be used in field reporting;
- c. Information required in field reports;
- d. Procedures to be followed in completing field reports; and
- e. Procedures for submitting and processing field reports.

Commentary: This directive may be in the form of a field-reporting manual that describes and illustrates the information to be included on report forms. The document should be all-inclusive and serve as the complete user's guide, as well as a resource guide in all field-reporting situations.

A suggested set of field-reporting forms would include the following: offense report; supplemental report; traffic accident report; arrest report; property report; prosecution report; and complaint control and miscellaneous incident report. The forms may be more specialized than those listed, e.g., crimes against persons, crimes against property. The forms may also be consolidated to serve the purposes identified in the standard. The complaint control and miscellaneous incident report can be initiated by dispatchers and may serve as a control document and/or as the full report of a miscellaneous incident.

The agency should adopt a set of forms to standardize field reporting and structure them to ensure that basic information is captured for all crimes and incidents. Samples of the forms should be included, with clear instructions for filling out and submitting the field reports.

If the agency is using a computerized system, the guide should address procedures for use.

82.2.2 INCIDENT REPORTING

A written directive requires the reporting of every incident in one or more of the following categories if the incident is alleged to have occurred in the agency's service area:

- a. Citizen reports of crimes;
- b. Citizen complaints;
- c. Incidents resulting in an employee being dispatched or assigned;
- d. Criminal and non-criminal cases initiated by law enforcement employees; and,
- e. Incidents involving arrests, citations, or summonses.

Commentary: The intent of this standard is that the agency possess a comprehensive reporting system.

82.2.3 CASE - NUMBERING SYSTEM

A written directive establishes a case-numbering system, with provisions for the assignment of a unique number to every case.

Commentary: The intent of this standard is to ensure that all cases receive a number, that no numbers are omitted, and that no numbers are duplicated.

82.2.4 SUPERVISORY REVIEW OF REPORTS

A written directive requires supervisory review of reports to ensure specific procedures are being followed as outlined in the field-reporting system required in standard 82.2.1.

Commentary: The intent of this standard is to ensure that the assignment has been satisfactorily completed and reported consistent with the field-reporting system.

82.3.1 ALPHABETICAL MASTER NAME INDEX

The agency maintains an alphabetical master name index.

Commentary: The intent of this standard is that the agency maintains such a file including the names of people identified in field reports.

82.3.4 TRAFFIC CITATION RECORDS MAINTENANCE

A written directive establishes procedures for maintaining records of traffic citations, to include:

- a. Issuing citation forms to officers;
- b. Accounting for citations; and
- c. Storing citations in a secure area.

Commentary: Issuing and accounting for traffic citations should be rigidly controlled.

82.3.6 IDENTIFICATION NUMBERS AND CRIMINAL HISTORY FILES

The agency has a system for assigning an identification number and maintaining a criminal history file for each person custodially arrested.

Commentary: The intent of this standard is to ensure that identification numbers are not duplicated or skipped.

82.3.7 RECORDING ARREST INFORMATION

A written directive establishes criteria for recording arrest information, to include:

- a. Preparing reports;
- b. Fingerprinting; and
- c. Photographing.

Commentary: The intent of this standard is to provide guidance in keeping existing file information current for persons subsequently arrested, e.g., address, photograph.

82.3.8 MAINTENANCE OF WARRANT AND WANTED PERSON FILES

A written directive establishes procedures for maintaining a warrant and wanted persons file, to include:

- a. Establishing criteria for entering notices in regional, state, and federal information systems;
- b. Establishing criteria for receiving information from other jurisdictions;
- c. Recording the information in agency files;
- d. Verifying information;
- e. Canceling information; and
- f. Requiring 24-hour access to the warrant section.

Commentary: The intent of this standard is that an agency maintain such records in a manner that would leave them immediately accessible to all agency personnel.

Chapter 83

Collection and Preservation of Evidence

83.1.1 24-HOUR AVAILABILITY

Qualified personnel are available on 24-hour basis to process a crime scene/traffic collision.

Commentary: If a crime/collision has occurred and involves the prompt collection and preservation of physical evidence, 24-hour crime scene processing capability should be available. When the immediate services of a crime scene processor are required, personnel with these skills should be notified as soon as possible. In many cases, the implementation or continuation of the investigative process should await completion of certain aspects of the crime scene processor's work. Therefore, it is important that the processor be notified to coordinate their arrival at the scene and to provide instructions to on-scene personnel on how to proceed until they arrive. Smaller departments may have skilled personnel on call or may have arranged to acquire such personnel from another agency.

83.2.1 COLLECTING EVIDENCE

A written directive establishes guidelines and procedures used for collecting, processing, and preserving physical evidence in the field.

Commentary: The agency should develop general guidelines for its approach to crime scene processing. For example, the first rule may be to secure and protect the crime scene. Agency policy should dictate whether processing is to be conducted by field personnel or specialists. Processing procedures should determine the progression of tasks, such as photograph, sketch, fingerprint, mark, and collect.

The directive should also provide guidelines for the preferred methods of collecting, marking/labeling, and packaging/storing a variety of evidentiary items. Methods used are those that should preserve the condition of evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical.

For physical evidence to be accepted by the court at time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized, or received. Items should be marked so as not to damage or contaminate the evidence. Items that cannot be marked should be placed in an appropriate container, sealed, and the container labeled.

Vehicles used for processing crime scenes should have equipment to recover fingerprints, take photographs, sketch the crime scene, and collect and preserve evidence.

For all items of evidence gathered at a crime scene, the investigator and/or processor should prepare a list containing a description of the item collected (including make, model, and serial number, if any), the source (person or location obtained from), and the name of the person collecting the item. Other information may also be pertinent to the list. The inventory is essential to the investigator and the processor for recording activities at the scene and qualifying the evidence at the time of trial.

83.2.2 PHOTOGRAPHS

A written directive governs procedures used for photography and video taping pursuant to the collection and preservation of evidence and specifies the information to be recorded at the time this type of evidence is taken.

Commentary: Photographs and/or videotapes are critically important as evidence. Preferably, a trained photographer should take them. The directive should specify what information is to be recorded when photographs and videotapes are taken, as well as how they are to be stored, in order to be qualified in the future as competent evidence. The procedure should be consistent with applicable statutes and case law.

83.2.3 PROCESSING FINGERPRINTS

A written directive governs the procedures for processing, developing, lifting, and labeling all fingerprints pursuant to the collection and preservation of evidence.

Commentary: The intent of this standard is to address the handling of fingerprints taken from known individuals, as well as the processing of latent fingerprints. Procedures for the proper handling, identification, labeling, and storage of known and latent prints should be described. The methods should be consistent with statutory and case law.

83.3.1 DOCUMENTATION OF TRANSFER OF CUSTODY

A written directive requires that the transfer of custody of physical evidence be documented.

Commentary: The record of transfer of physical evidence should include the following: date and time of transfer; receiving person's name and functional responsibility; reason for the transfer; name and location of the laboratory; synopsis of the event; examinations desired; and date of transfer to a laboratory not within the agency. This standard applies to all persons, functions, and components.

83.3.2 TRANSMITTAL OF EVIDENCE TO THE LAB

A written directive establishes procedures for submitting evidence to a forensic laboratory, which include:

- a. Identification of the person responsible for submitting the evidence;
- b. Methods for packaging and transmitting evidence to the laboratory;
- c. Types of documentation to accompany evidence when transmitted;
- d. Receipts to ensure maintenance of chain of evidence; and
- e. Stipulation that laboratory results be submitted in writing.

Commentary: The intent of this standard is to specify procedures for submission of perishable evidence to the forensic laboratory, such as fresh blood, blood stained objects, other physiological stains and tissue, and biological materials. Large and bulky items, firearms, drugs, and other items should be prepared in a uniform manner that is consistent with the requirements of the receiving laboratory.

The responsibility for requesting laboratory examinations and preparing and transmitting the evidence to the laboratory should be defined. Guidelines for the types and preparation of transmittal documents should be described. Chain of custody should be carefully maintained.

Verbal reports from the laboratory may be accepted, but the agency should insist these be followed up by a written report. When the laboratory is part of the agency, the directive should specify that written reports of findings are provided. When a laboratory is not part of the agency, a transmittal letter or written request as a part of the evidence transmittal form should be used to request a written report of laboratory findings.

Chapter 84

Property and Evidence Collection

84.1.1 RECEIPT OF PROPERTY

A written directive establishes procedures for receiving all in-custody and evidentiary property obtained by employees into agency control, to include:

- a. Requiring all property to be logged into agency records as soon as possible;
- b. Requiring all property to be placed under the control of the property and evidence control function before the officer ends his/her tour of duty;
- c. Requiring a written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained;
- d. Providing guidelines for packaging and labeling property prior to storage;
- e. Establishing extra security measures for handling exceptional, valuable, or sensitive items of property;
- f. Requiring an effort to identify and notify the owner or custodian of property in the agency's custody; and
- g. Establishing procedures for the temporary and final release of property items from the control of the property and evidence function.

Commentary: The agency should not lose sight of its responsibility to protect all property coming into its control and custody or of its ongoing obligation, in some situations, to maintain an uninterrupted chain of custody. The agency should establish specific controls and ensure strict adherence to all of its policies and procedures governing in-custody and evidentiary property. This should protect both the officer and the agency.

All employees should complete a descriptive inventory of every item of property coming into their possession as a result of their official duties and responsibilities as soon as practical. Initially, every item of property obtained by an employee during a shift should be placed under the control of the property and evidence function prior to shift's end. This should allow the property to be officially inventoried and recorded in the agency's records in a timely manner. The agency may authorize exceptions to these procedures; however, supervisory approval should be obtained and a descriptive inventory should be accomplished verbally or through other electronic means if distance is a factor.

The property should be entered into storage in a uniform manner. Methods for preparing, labeling, and recording property should be established. Responsibility for these tasks may be assigned.

Extra security measures for handling and receiving should be taken when, from whatever source, items are considered to be sensitive, high in value, or otherwise constituting an increased security risk. Guidelines are provided for handling items such as money, firearms and weapons, blood and other body fluids, and drugs. Drugs should be packaged in tamper-proof protective packaging whenever they are received by, released by, or returned to the property custodian. The intent of this packaging system is to ensure that the property custodian does not have to open a submitted drug package for the purpose of verifying contents whenever the package leaves the property section for court, crime lab, or other authorized purposes. All containers and packages should be inspected for tampering as a safeguard against substitution. These procedures need to conform to OSHA (Occupational Safety and Health Administration) standards.

Written reports should be submitted, listing the property obtained and detailing the circumstances associated with the custody. Case numbers may be used to cross-reference the property.

Once the property has been officially placed under the agency's control, a procedure for removing the property for further investigation, court, release or other official purpose should be established. A written document ensures accountability and/or uninterrupted chain of custody until final disposition. Employees should be prohibited at all times from storing property in their personal desks, lockers, vehicles, homes, or other places that are not secure or would interrupt the chain of custody. Personal use of any property should also be strictly prohibited.

A reasonable attempt should be made to locate owners of property in the custody of the agency and notify them of its status. If possible, release back to the owner should be affected as expeditiously as is consistent with applicable law.

84.1.2 EVIDENCE AND PROPERTY CONTROLS

All in-custody property and evidence is stored within designated, secure areas.

Commentary: Administrative and physical security procedures are mandatory to ensure that all property taken into custody and stored by the agency in any manner is properly controlled and protected while in agency custody.

Some items of in-custody property, by their very nature, require extra protection, security, and handling precautions. Items such as money, precious metals, jewelry, firearms, and drugs are some that should be considered. The agency may set its own guidelines and determine the degree of extra security required. Providing locked containers, such as vaults, lockers, or interior rooms, should satisfy the requirements of the standard. Further restrictions on access to certain areas also enhance security precautions. It is not necessary however, for each type of item to have its own separate secure area.

The agency should have access to secure refrigerated storage for perishable items, such as blood and urine specimens. If the agency maintains a lockable refrigerator on its premises for this purpose, use should be restricted to in-custody property and evidence.

In addition to the general property room(s) or facilities, the agency needs to provide secure storage for large items such as vehicles, bicycles, appliances, and the like. Special areas and/or procedures should be provided. External areas, such as impoundment lots, are vulnerable. When assessing the degree of security to provide, the agency should weigh the importance of the property it is placing in these areas and the consequences if the property is stolen, damaged, or contaminated while in-custody.

84.1.3 SECURE FACILITIES

Secure facilities are provided for storage of in-custody or evidentiary property during periods when the property room is closed.

Commentary: Provisions should be made for securing items of property when the property room is closed. Several methods can be followed to achieve this objective, such as installation and use of one-way drop boxes, lockers, and specially designed containers.

84.1.4 AUTHORIZED PERSONNEL

A written directive requires that only authorized personnel have access to areas used by the agency for storage of in-custody or evidentiary property.

Commentary: Entry to property areas should be controlled to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the agency and to maintain chain of custody.

84.1.5 RECORDS STATUS

Records reflect the status of all property held by the agency.

Commentary: Fundamental to the operation of the property room is a records system that reflects the location of the property; date and time when the property was received or released; character, type, and amount of property on hand; and chain of custody from the time the property was stored until its destruction or other final disposition. Many agencies have successfully installed a "bar coding" system for property management.

84.1.6 INSPECTIONS

The following documented inspections, inventory and audits shall be completed:

- a. An inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the person responsible for the property and evidence control function or his/her designee;
- b. An inventory of property occurs whenever the person responsible for the property and evidence control function is assigned to and/or transferred from the position and is conducted jointly by the newly designated property custodian and a designee of the CEO to ensure that records are correct and properly annotated;
- c. An annual audit of property held by the agency is conducted by a supervisor not routinely or directly connected with control of property; and
- d. Unannounced inspections of property storage areas are conducted as directed by the agency's chief executive officer.

Commentary: The inspection is conducted to determine that the property room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of agency orders or other directives concerning the property management system are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of promptly.

The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory

should be sufficient to ensure the integrity of the system and the accountability of the property. During the joint inventory, a sufficient number of property records should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all records are current and properly annotated. The newly appointed custodian should record all discrepancies prior to the assumption of property accountability.

The purpose of the standard is to ensure the integrity of the system, not to require an accounting for every item of property. The annual audit should be a random sampling of property held to satisfy the auditor that policies and procedures are being followed. The agency's chief executive officer should appoint the person named to conduct the inventory. Under no circumstances should that inspector be appointed by supervisory or command officers having the property function under their control.

Chapter 90

Wisconsin Specific Standards

90.1.1 LEGAL ADVICE

The agency has effected the availability of legal counsel through employment of a police legal advisor or the assumption / assignment of such responsibility by the office of its city attorney and / or prosecuting attorney.

Commentary: The intent of this standard is that all agency personnel have ready access to legal advice.

90.2.1 HIGH VISIBILITY CLOTHING

The agency requires personnel to wear high visibility clothing when involved with traffic direction and control.

Commentary: When drafting this policy consideration should be given to the state labor and industry rules.

90.3.1 OPEN RECORDS

A written directive requires each agency to adopt and display a notice containing the following information:

- a. Identification of the records custodian,
- b. A description of the agency,
- c. The times and places at which the public may obtain information and access to records in its custody,
- d. The method of requesting records, and
- e. The process of obtaining copies of records.

Commentary: The intent of this standard is to conform to Wisconsin Open Records Statute 19.34.

90.4.1 DOMESTIC ABUSE

A written directive describes the procedures for domestic abuse incidents pursuant to Wisconsin Statute 968.075(3) and includes the following:

- a. Actions of the responding officers and conflicting interests,
- b. The circumstances under which an officer should arrest a possible offender,
- c. Informing the alleged victim when the offender will be released, and
- d. Preparation and delivery of a written report to the district attorney if an officer did not arrest a suspect, yet has reasonable grounds to believe that a person is committing or has committed domestic abuse.

90.5.1 RACIAL PROFILING

A written directive prohibits racial profiling or race-based decisions by agency personnel and includes the following:

- a. A definition of racial profiling as including any law enforcement imitated action that relies upon the race, ethnicity or national origin of an individual rather than the behavior of that individual.
- b. Agency personnel may not use racial or ethnic stereotypes as factors in selecting whom they stop and whom to search.
- c. Agency personnel may use race or ethnicity in selecting whom they stop and whom they search when a person matches the specific description on an individual who is, has or is suspected of having engaged in criminal behavior.

Commentary: It is the intent of this standard that agencies have an effective policy precluding actions based solely on race or ethnicity.