

# **Wisconsin Law Enforcement Accreditation Group**



## **Core Standards Verification Program**

**3rd Edition**

August 27, 2021

Last modified June 24, 2024

## Foreword

Accreditation is a progressive and time-proven way of helping institutions evaluate and improve their overall performance. The key to any successful accreditation system lies in a body of published standards containing a clear statement of professional objectives.

CALEA® established the first body of professional standards by which a law enforcement agency could be evaluated. They also developed an administrative process whereby an agency could demonstrate its compliance with their standards and achieve law enforcement accreditation. CALEA® accredited its first agency in 1984.

In the years that followed, many agencies successfully completed the accreditation process. Unfortunately, many others with a desire to achieve and demonstrate professional excellence were stymied by the cost and administrative burden associated with pursuing accreditation at a national level. In 1995, with the incorporation of the Wisconsin Law Enforcement Accreditation Group, Wisconsin joined the ranks of states developing accreditation programs designed to embrace best practices emerging throughout the country, while addressing circumstances unique to policing in our state.

On June 02, 1995, the Accreditation Committee of the Wisconsin Chiefs' of Police Association approved the initial draft of Standards, First Edition, at a meeting in Fond du Lac. This approval was followed by a similar endorsement by the Wisconsin Police Leadership Foundation on August 14, 1995. Finally, the standards were again reviewed, revised and ultimately adopted by the Governing Board of the Wisconsin Law Enforcement Accreditation Group as WILEAG Standards, First Edition, on December 3, 1996. Two years later, WILEAG would accredit its first agencies.

In subsequent years, the WILEAG Governing Board has undertaken several reviews of the standards and accreditation process. These reviews have ensured the standards remain consistent with evolving law enforcement professional doctrine on a national level, while continuing to focus on the unique nature of policing in Wisconsin. This review process also led the Governing Board to one additional and very important conclusion; that the financial and human resource limitations of many smaller agencies in the state were precluding them from participating in the program and achieving professional excellence through an accreditation process. In 2013, the Governing Board committed to remedying this problem.

In January 2014, the WILEAG Governing Board unveiled the Core Standards Verification Program. This program, tailored for Wisconsin law enforcement agencies providing services to 4<sup>th</sup> Class cities, towns, and villages (w/ populations of 10,000 or less) and sheriff's offices with a county population of 30,000 or less, was created to address the challenges associated with a small agency's participation in the full accreditation program. An abridged version of the full accreditation program, it incorporated 39 critical standards from the body of 235 accreditation standards. The Core Standards Verification Program focused on areas that carry the highest probability of liability for Wisconsin law enforcement agencies, as well as various statutory mandates and administrative rules that significantly impact policing in the State of Wisconsin.

The Core Standards Verification Program quickly garnered support in the law enforcement community, with over 30 agencies enrolling in the first three years and many completing the program. This level of support served notice on the Governing Board that, much like the full

accreditation program, the Core Standards Verification Program would have to evolve to meet the demands of those agencies seeking to achieve professional excellence through Core Standards Verification.

As the Governing Board continued to update the accreditation standards, a review and update of the Core Standards followed. In August 2016, the WILEAG Governing Board introduced the *Core Standards Verification Program, Second Edition*. Comprised of 49 “core” standards drawn from the *WILEAG Standards, Fifth Edition*, the *Core Standards Verification Program, 2<sup>nd</sup> Edition* addresses national trends in the field, new legislation that impacts policing, and new administrative rules that require agency attention.

With the introduction of the *Core Standards Verification Program, 2<sup>nd</sup> Edition*, the WILEAG Governing Board also elected to expand the availability of the program to agencies exceeding the original size threshold, as a springboard to full accreditation. Cities, towns, and villages serving populations in excess of 10,000 and sheriff’s offices with a county population over 30,000 may now seek Core Standards Verification for one three-year verification cycle. The purpose of this change is to enable such agencies to establish a solid foundation for completing the full accreditation program and deliver a tangible benefit during the ongoing self-assessment process.

In 2021, the WILEAG Governing Board introduced the *WILEAG Standards, Sixth Edition*. This led to a review of the Core Standards and the introduction of *Core Standards Verification Program, Third Edition*, comprised of 65 core standards drawn from the *WILEAG Standards, Sixth Edition*. While the Core Standards Verification Program does not replace full accreditation, it has provided those agencies unable to pursue full accreditation a meaningful alternative to raise their level of policing professionalism. Now, the program will enable those agencies seeking to achieve full accreditation an incremental process for fulfilling that goal, while also delivering a tangible benefit during the ongoing self-assessment process. We hope you will agree that both purposes serve to facilitate the pursuit of professional policing excellence in the State of Wisconsin.

For the Governing Board,

A handwritten signature in black ink that reads "Mark Ferguson". The signature is written in a cursive, flowing style.

Mark Ferguson  
President, Wisconsin Law Enforcement Accreditation Group



*Wisconsin Law Enforcement Accreditation Group*

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*Third Edition*

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## 3rd Edition – Guiding Principles

# Wisconsin Law Enforcement Accreditation Group

## Section 1 – Required Compliance

- 1.1 An agency must demonstrate compliance with all applicable standards.

*Context*

All standards are presumed to be applicable unless the agency demonstrates otherwise.

- 1.2 An agency declaring a standard to be not applicable can be held accountable for the functions or responsibilities governed by the standard if the Governing Board deems that an agency of its size and/or type should be expected to carry out such a responsibility or function.

*Context*

Questions regarding the applicability of any standard should be brought to the attention of the Governing Board as soon as possible, and always prior to an on-site assessment.

- 1.3 An agency that delegates mandatory functions or responsibilities to other agencies is, nevertheless, accountable for compliance with the standards governing those functions or responsibilities.

*Context*

The practices, policies or procedures necessary to demonstrate compliance may be those of the agency actually fulfilling the responsibility or function. For example, an agency may delegate its communication requirements to a county-wide or multi-jurisdictional dispatch center, and that agency or entity may provide immediate playback capability for all radio communications. While the applicant agency remains responsible for the requirement, the requirement is satisfied by the immediate playback capability provided by the agency actually performing the function.

- 1.4 An agency for which functions or responsibilities are performed on its behalf by another agency or entity is, nevertheless, accountable for verifying compliance with all standards governing those functions or responsibilities.

*Context*

The practices, policies or procedures necessary to demonstrate compliance may be those of the agency actually fulfilling the responsibility or function. For example, an agency may rely upon the human resources department of its political subdivision for conducting hiring or promotional processes; however, the applicant agency must verify that such processes are conducted in accordance with relevant standards, such as adhering to Equal Employment Opportunity guidelines.

- 1.5 Standards incorporating a Wisconsin statute require compliance with both the language of the standard, as well as the associated statute.



*Context*

There is a presumption that a state statute referenced in the body of a standard will be fully complied with by the applicant agency.

## **Section 2 – Standards**

- 2.1** An agency may exceed the requirements of a standard.

*Context*

The requirements of a standard represent the minimally acceptable agency response. The agency is permitted to establish performance expectations that exceed the minimum requirement. For example, CSVP standard #51 requires at least one random inspection of the property room on an annual basis. The agency is permitted to establish a more stringent requirement, such as random inspections on a quarterly basis.

- 2.2** If an agency does not have responsibility for the requirements established by a standard, the standard might be not applicable to the agency. The final determination rests with the Governing Board.

*Context*

The intent of an applicant agency to declare an otherwise required standard not applicable should be brought to the attention of the Governing Board prior to the completion of an onsite assessment.

- 2.3** Standards related to personnel matters apply to all agency employees unless the standard specifies a particular class or category of employee.

*Context*

Certain standards pertain only to a specific category of employee; e.g., sworn, civilian, part-time, full-time, etc. Where no differentiation is made, the agency should consider the standard as applying to all employees.

- 2.4** Standards including the following language, “If the agency . . .,” or language of a similar nature, are only applicable if the agency performs the function governed by the standard.

*Context*

An example of this is found in CSVP standard #2, which states, “If the agency has a locker room, a written directive addresses privacy in the locker room, as required by §175.22, Wis. Stats.” In this example, the standard is not applicable if the applicant agency does not have a locker room. In this, and other examples, however, Guiding Principle 1.3 or 1.4 could apply, if the agency utilizes services provided by another agency.

## **Section 3 – Written Directives**

- 3.1** A written directive is defined as a policy, plan, procedure, rule, general or special order, or other document that is binding upon agency personnel.

*Context*

The intent of a written directive is to establish agency policy that will serve to ensure consistent performance or conduct of agency employees. In evaluating whether a document meets the definition of written directive, consideration should be given to whether the document satisfies the requirements established in standard 1.4.4, of the WILEAG 6<sup>th</sup> Edition accreditation standards.

- 3.2 A written directive may, but need not be, developed for each individual standard. Rather, a written directive may be used to demonstrate compliance with multiple standards.

*Context*

The format of the written directive system or manual is left to the agency. As such, some agencies may elect a format that corresponds to the numbering system utilized in the standards manual, while other agencies may prefer a format that utilizes directive topics or titles that encompass several standards.

- 3.3 A written directive serves as the foundation for, and presumes functional compliance with, the standard. This notwithstanding, while a written directive presumes functional compliance with the standard, compliance will not be established if a determination is made that the directive is not adhered to.

*Context*

Establishing functional compliance with the written directive requirement will involve more than merely verifying the existence of a directive. It will also involve verifying that the content of the directive satisfies the various conditions identified in the standard and that the directive is being followed within the agency.

- 3.4 A written directive, newly created or revised for the purpose of demonstrating compliance with a standard, is generally associated with an agency's first accreditation or verification process or a new or substantially revised standard(s). Agencies seeking reaccreditation or reverification are expected to have a well-established system of written directives, with those directives deemed necessary to demonstrate compliance in place for the entire accreditation or verification period.

*Context*

These newly created or revised written directives, often referred to as "wet ink" directives, will reflect recent implementation or revision dates. Directives that have been in place for a lengthy period of time are not considered "wet ink" simply because an agency is in its first accreditation or verification process, and assessors may request proofs of compliance commensurate with the length of time the policy has been in effect, up to three years. It is also understood that assessors might request an agency make changes to a written directive to establish compliance. Such a change occurring during an onsite would also constitute "wet ink." Significant "wet ink" changes during a reaccreditation or reverification onsite may be considered by the Governing Board during deliberations regarding the agency's pending status.

## **Section 4 – Proofs of Compliance**

- 4.1 An agency pursuing accreditation for the first time, or an agency that has withdrawn from, and reentered, the program, is expected to provide functional proofs of compliance for the one-year period that precedes their on-site assessment.

*Context*

It is understood that the self-assessment process may be ongoing virtually until the on-site assessment is scheduled. Assessors will have the discretion to waive the one year requirement associated with newly created or revised written directives or procedures, but shall note the prevalence of such discoveries in the final report. The Governing Board will consider the magnitude of the deficiencies during deliberations regarding the pending status of the agency.

- 4.2 An agency's first on-site assessment will be scheduled once the agency has announced to the Governing Board that it has completed self-assessment. Subsequent on-site assessments will be scheduled on, or near, the three-year anniversary of the original on-site.

*Context*

The on-site schedule derived from the anniversary of the original on-site will not be altered by a Board approved extension; however, an agency withdrawing from, and reentering, the program will receive a new on-site schedule based upon the anniversary date of its first on-site following completion of a new self-assessment process.

- 4.3 An agency pursuing reaccreditation is expected to provide proofs demonstrating compliance in each of the years for which the agency was accredited (the typical accreditation period is three years). The relevant period for proofs of compliance commences at the conclusion of the most recent on-site assessment and ends at the beginning of the next regularly scheduled on-site assessment.

*Context*

The requirement that compliance must be demonstrated for each of the three years for which the agency was accredited does not apply to any new or substantially revised standard(s) that may have been introduced during the agency's current accreditation period. Additionally, the relevant period for proofs of compliance will not be altered by a Board approved extension. If an extension has been granted, the anniversary of the original on-site assessment will be used to establish the end of the relevant period for proofs of compliance, even though the actual on-site might occur up to six months later.

- 4.4 Missing proofs or gaps in compliance will be noted by the lead assessor in the final report to the Governing Board. The Board will consider the magnitude of the deficiencies during deliberations regarding the pending status of the agency.

*Context*

Gaps in compliance or missing proofs are occasionally found during on-site assessments and can be caused by various factors such as a change in accreditation manager or CEO. The Governing Board will consider, among other factors, whether the deficiencies are a result of oversight or neglect of program requirements.

- 4.5 Written documentation is the preferred proof of compliance, when it is available.

*Context*

This principle should not be construed in such a way that a document is created merely to show compliance. If adherence to the standards results in the creation of a written document, such a document should be used to demonstrate compliance. If no such document exists, it is the agency's prerogative to create a document to demonstrate compliance, though compliance can also be ascertained through observation and interview.

## **Section 5 – On-Site Extensions, Withdrawal and Reentry, and Accreditation with Conditions**

- 5.1** In the event an agency participates in an on-site assessment that reveals compliance deficiencies, the Board essentially has three options to consider; accredit/reaccredit the agency, deny accreditation/reaccreditation, or accredit/reaccredit the agency with conditions.

### *Context*

The decision to reaccredit an agency with compliance deficiencies will generally be based on such factors as a history of strong compliance, the limited nature of the noncompliance; e.g., a missed property room inspection, a plausible explanation for the noncompliance, and the probability of future compliance.

The decision to accredit/reaccredit with conditions is reserved for an agency that has generally demonstrated a commitment to the program, which might include a history of success in past on-sites, but has experienced significant compliance deficiencies during an accreditation cycle that cannot be overcome. These deficiencies often involve failing to fulfill time sensitive obligations.

Conditions that might be applied to an agency could include, but are not limited to:

- a. Preparation and submission of an explanation for the deficiencies and an action plan for overcoming them.
- b. Submission of proofs over a prescribed period of time; e.g., one year following the most recent on-site.
- c. Completion of a follow-up on-site assessment to confirm compliance with identified deficiencies.

Conditions attached to accreditation or reaccreditation could be lifted upon satisfaction of all obligations imposed by the Governing Board. This would require Board review and action upon conclusion of the time period within which the conditions were to be satisfied.

The decision to deny accreditation/reaccreditation will generally be based on a substantial degree of noncompliance, which may suggest neglect or indifference to the program.

- 5.2** An agency requiring additional time to satisfy all requirements of reaccreditation may be granted one extension of up to six months per accreditation cycle. The request for an extension shall be made in writing by the agency CEO to the President of the Governing Board, and shall include an explanation of the circumstances necessitating the extension.

### *Context*

It is presumed that an agency requesting an extension has been maintaining compliance over the previous three years and merely needs additional time to compile proofs of compliance and construct files. Prior to granting the extension, an effort should be undertaken to ascertain an agency's status and determine whether an extension serves a meaningful purpose, since significant noncompliance over the prior three-year period cannot be overcome with an extension.

An extension does not alter the relevant period for proofs of compliance. Proofs will not be required for the period of time between the original on-site date and the rescheduled on-site, as those proofs will be reviewed during the next on-site assessment. The on-site anniversary date does not change following an extension, hence the date for the next on-site will be based on the anniversary of the first on-site, rather than three years after the rescheduled on-site.

- 5.3** An agency that has not maintained compliance or has substantial compliance deficiencies, as determined either by agency disclosure or discovery during an on-site assessment, has two options for continuation in the program. The first option is to withdraw and reenter the program in self-assessment. The second option is to continue with the on-site to determine whether the Governing Board might find sufficient grounds to grant reaccreditation with conditions.

*Context*

An agency that withdraws and reenters the program will reenter as a new agency in self-assessment. Under such circumstances, the agency would forfeit its accredited status and accreditation history. Upon completion of self-assessment, the agency would request an on-site, which would serve as the new anniversary date for subsequent on-sites. An agency withdrawing and reentering the program would not be eligible for an on-site assessment for at least one year, to ensure the agency can demonstrate a full year of compliance.

An agency that has not maintained compliance or has substantial compliance deficiencies, but chooses to proceed with an on-site assessment, does so at the risk the Board will deny reaccreditation, thereby forcing a withdrawal or revocation outcome. In the event the Governing Board grants reaccreditation with conditions, the agency would retain its accredited status and accreditation history.

- 5.4** The Governing Board is under no obligation to authorize an on-site assessment if, in the Board's opinion, the agency has failed to maintain compliance or has compliance deficiencies to an extent the agency is unlikely to achieve a successful outcome.

*Context*

It is the responsibility of the agency requesting an on-site assessment to demonstrate their readiness to proceed.

## **Section 6 – Assessors**

- 6.1** An agency having achieved accredited status shall make personnel available to serve as WILEAG assessors. This contribution of assessors is intended to offset the assessor time committed during their on-site. The number of assessor commitments during a three-year accreditation period shall generally be equivalent to the number of assessors required to conduct the agency's triennial on-site assessment.

*Context*

The exchange of assessors between accredited agencies has long been a method used to ensure the cost of participating in the program remains reasonable. An agency may be exempt from this requirement if it can establish the requirement represents a substantial hardship on the organization. Such determination shall be made by the Governing Board.

- 6.2** Assessors conducting an on-site assessment on behalf of the Wisconsin Law Enforcement Accreditation Group are representatives of WILEAG. As such, their behavior reflects upon this organization. Assessors shall present, and conduct, themselves in a professional manner.

*Context*

While assessors are selected based upon their professional experience and subject matter expertise related to the WILEAG standards, it is important to remember that it is the Governing Board's interpretation of the standards, not the personal interpretation of the assessor or the manner in which an issue is handled in his or her agency, which must prevail during the on-site

assessment. An assessor may provide suggestions to the agency based upon his or her own experience and that of the police agency he or she represents.

- 6.3** Assessors may examine factors beyond the proofs of compliance offered by the agency in an effort to ascertain compliance.

*Context*

Assessors will routinely make observations and discover information during the on-site assessment that will help formulate a decision regarding agency compliance. For example, an assessor may review a written directive mandating seatbelt use by officers, and then casually observe an officer wearing a seatbelt while riding with the officer. This information can be used in making a compliance determination. Furthermore, should an assessor have doubts regarding compliance for any given standard after reviewing all proofs of compliance provided by the agency, the assessor should take steps to reach a conclusion, which may involve seeking additional proof beyond that offered by the agency.

- 6.4** Assessors may seek proof of compliance outside the agency.

*Context*

Assessors may seek input from citizens, colleagues in other law enforcement agencies, members of the court, representatives of other departments within the political subdivision, other partner organizations, etc., in an effort to establish compliance.

- 6.5** Upon conclusion of the on-site assessment, assessors must have verified compliance with every applicable standard.

*Context*

In the event compliance cannot be verified or achieved during a scheduled on-site, the team leader should notify a representative of the Governing Board as soon as practicable after reaching such a determination. The Governing Board representative will determine whether the on-site will continue and the manner in which the deficiency will be addressed by the Governing Board.

- 6.6** In the event a dispute arises between the assessor team and representatives of the agency, the team leader will attempt to mediate the situation, however, the authority to interpret standards, or suspend or terminate an on-site assessment, rests solely with the Governing Board.

*Context*

Should the team leader be unable to mediate the situation, the matter should be brought to the attention of the Governing Board representative assigned to oversee the on-site assessment. The Governing Board representative will provide guidance to the team leader regarding an appropriate resolution.

## TABLE OF CORE STANDARDS

	<b>Standard</b>	<b>Description</b>	<b>State Statute</b>
1	1.2.4	Harassment in the Workplace	Chapter 111 (Sub II)
2	1.2.5	Locker Room Privacy	§ 175.22
3	1.6.1	Agency Jurisdiction	§ 175.40
4	1.6.2	Mutual Aid	§ 66.0313
5	1.7.7	Strip Searches	§§ 968.255/968.256
6	1.7.8	Bias-Based Policing	
7	1.9.1	Agency Investigation of Complaints	§§ 946.66/66.0511(3)
8	2.4.5	Medical Examinations	
9	2.7.1	Part-Time Officers	
10	2.8.1	Auxiliary Personnel	
11	2.8.2	Reserve Police Officers	
12	4.2.1	Disciplinary System	Chapter 164/§ 62.13(5)
13	5.1.1	Use of Force	§§ 66.0511(2)/939.45/939.48/941
14	5.1.2	Use of Force Requirements	§§ 175.44(2)(b)/66.0511(2)
15	5.1.3	Duty to Report Noncompliance	§ 175.44(3)
16	5.1.4	Duty to Intervene	§ 175.44(4)
17	5.1.5	Whistleblower Protection	§ 175.44(5)
18	5.1.6	Deadly Force	§ 175.44(2)(c)
19	5.1.7	Warning of Use of Deadly Force	§ 175.44(2)(c)
20	5.1.8	Shooting at or from a Moving Vehicle	
21	5.1.11	Annual Use of Force Policy Training	
22	5.3.1	Use of Force Reporting	
23	5.3.2	Post Use of Force Incident Review	
24	5.3.4	Use of Force Reporting and Analysis	
25	6.1.4	Vehicle Pursuits	§§ 346.03(6)/175.40/87.07(8)
26	6.1.8	Anatomical Gifts	§ 157.06(12)
27	6.1.10	Body Cameras	§ 165.87
28	6.1.10	Emergency Detentions	Chapters 51 & 55
29	6.1.11	Criminal Trespass to Dwellings	§ 943.14
30	6.1.13	Naloxone Use	§ 256.40(3)
31	6.2.5	Traffic Stops and Approach to Violator's Vehicle	LESB Vehicle Contacts Curriculum
32	6.3.6	Adult Custodial Interrogation	§§ 968.073(2)/972.115(2)(a)
33	6.3.7	Eyewitness Identification	§ 175.50(2)
34	6.3.8	Officer Involved Critical Incidents	§ 175.47
35	6.3.9	Domestic Abuse	§§ 968.075(3)/968.075(4)
36	6.3.10	Officer Involved Domestic Violence	Wisconsin Officer-Involved Domestic Violence Policy Training Guidelines and Recommendations (WILNET)
37	6.3.11	Prescription Drug Monitoring Program	961.37
38	6.3.12	Search Warrants	
39	6.6.1	Juvenile Operations	
40	6.6.2	Juvenile Offenders	Chapter 938
41	6.6.3	Juveniles in Custody	Chapter 938
42	6.6.4	Juvenile Custodial Interrogation	§ 938.195(2)(a)
43	6.6.5	Missing Juvenile Investigations	§§ 48.396/938.396
44	6.6.6	Relinquishing Custody of Newborns	§ 48.195
45	6.6.7	Reporting of Child Abuse	§§ 48.981(2)/48.981(3)(b)3
46	7.1.1	Search of Detainees	§ 968.256
47	7.2.4	Temporary Detention Procedures	

48	9.1.4	Continuous Communication with On-Duty Officers	
49	9.1.10	Inter-Jurisdictional Communications	
50	10.1.1	Records Security	§§ 48.396/938.396
51	10.2.1	Open Records	§§ 19.34(1)/19.34(2)/19.35
52	10.2.2	Records Retention	§ 19.21
53	11.1.2	Evidence Collection	
54	11.1.7	Drug Testing Safety Procedures	
55	11.2.6	System Integrity	
56	12.1.5	Certified Instructors	LESB Policy and Procedures Manual
57	12.2.3	Recruit Training	LESB Policy and Procedures Manual
58	12.2.4	Field Training	LESB Policy and Procedures Manual
59	12.2.5	Annual Training	LESB Policy and Procedures Manual
60	12.2.6	Career Development	
61	14.1.1	Treatment of Crime Victims	Article I, Section 9m Wis. Constitution
62	14.1.2	Information Provided to Crime Victims	§§ 950.08(2g)/950.04(1v)
63	14.1.3	Victim Rights	§§ 950.04(1v)(s)/950.045(b)
64	14.1.4	Safe at Home Law	§ 165.68
65	14.2.1	Witness Rights	§ 950.04(2w)





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# Wisconsin Law Enforcement Accreditation Group

## Standard #1

### 1.2.4 Harassment in the Workplace

A written directive prohibits harassment in the workplace and provides a means by which 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.

#### Context

Employees should be protected from any type of a hostile work environment, especially sexual harassment. Training, reporting procedures and support systems shall be provided to all employees.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

## Standard #2

### 1.2.5 Locker Room Privacy

If the agency has a locker room, a written directive addresses privacy in the locker room, as required by §175.22, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

## Standard #3

### 1.6.1 Agency Jurisdiction

A written directive establishes the limits of the agency’s jurisdiction, to include:

- 1.6.1.1 The geographic boundaries of the agency’s territorial jurisdiction.
- 1.6.1.2 Guidelines for exercising extraterritorial jurisdiction, both on and off duty, as outlined in §175.40.
- 1.6.1.3 Agency responsibilities with respect to incidents involving concurrent jurisdiction.

#### Context

All personnel within the agency should know the limitations of their geographical jurisdiction, authority, and responsibilities.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

## Standard #4

### 1.6.2 Mutual Aid

The agency has a plan for providing aid to other jurisdictions in unusual occurrence situations and special operations pursuant to formal mutual aid agreements and §66.0313, Wis. Stats.

Last Reviewed: August 27, 2016

Last Updated: December 10, 2012

**Standard #5**

**1.7.7 Strip Searches**

A written directive establishes guidelines for conducting strip and body cavity searches, to include annual training, in accordance with §968.255, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #6**

**1.7.8 Bias-Based Policing**

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

- 1.7.8.1 A definition of bias-based profiling, to include any law enforcement initiated action that relies upon common traits associated with belonging to a certain group; such as race, color, national origin, ancestry, religion, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, economic status, age, cultural group, or any other identifiable characteristics.
- 1.7.8.2 Agency personnel may use common traits as outlined above in selecting whom they stop when a person matches the specific description of an individual who is suspected of engaging in criminal behavior.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #7**

**1.9.1 Agency Investigation of Citizen Complaints**

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

- 1.9.1.1 Complaints that are to be investigated by line supervisors.
- 1.9.1.2 Complaints that are to be investigated by the internal affairs function.
- 1.9.1.3 Complaints that are to be reviewed by the internal affairs function.
- 1.9.1.4 Written procedures for filing a complaint are made available to the public and include a prohibition against filing a false complaint as outlined in §§66.0511(3) and 946.66, Wis. Stats.

*Context*

The written directive should delineate who has responsibility for an investigation or review of a complaint based on the seriousness of the allegations. For example, situations involving complaints about officer driving behavior, rudeness, officer enforcement decisions may be assigned to a line supervisor while situations involving complaints of criminal activity, civil rights violations, use of force, corruption or brutality would be handled by internal affairs.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

**Standard #8**

**2.4.5 Medical Examinations**

When required by the agency, physical, medical, and/or psychological examinations are provided at no cost to the employee.

Last Reviewed: August 27, 2021

Last Updated: October 01, 2008

### Standard #9

#### 2.7.1 Part-time Officers

Agencies that utilize part-time officers have a written directive that describes duties and responsibilities, delineates authority and discretion and specifies the amount and type of supervision part-time officers are to receive.

#### *Context*

A written directive establishes and describes the agency's part-time officer program, to include: the authority of the part-time personnel; the duties and responsibilities of the part-time personnel; the requirement that part-time personnel successfully complete training in all tasks which they will be authorized to perform prior to performing the task; and all training requirements necessary to obtain and maintain part-time personnel status.

Part-time officers shall be defined as any person employed by the state or any political subdivision of the state, in a capacity less than full-time, for the purpose of detecting and preventing crime and enforcing laws or ordinances, and who is authorized to make arrests for violations of the laws or ordinances the person is employed to enforce. Part-time officers shall have satisfied all requirements for certification by the Law Enforcement Standards Board.

Last Reviewed: August 27, 2021

Last Updated: May 02, 2016

### Standard #10

#### 2.8.1 Auxiliary Personnel

If the agency utilizes auxiliary personnel, a written directive describes the auxiliary program, to include:

- 2.8.1.1 A statement establishing auxiliaries as non-sworn personnel.
- 2.8.1.2 An explanation of the duties and scope of authority of auxiliary personnel.
- 2.8.1.3 A requirement that uniforms, if worn, clearly distinguish auxiliary personnel from sworn officers.
- 2.8.1.4 A requirement that auxiliary personnel receive training related to their authorized and assigned duties.
- 2.8.1.5 Liability protection and indemnification for auxiliary personnel acting within the scope of their authority.

#### *Context*

Auxiliary personnel may be assigned to provide support services to any law enforcement functions not requiring sworn officer status. To the extent the agency chooses to use auxiliary personnel, they should receive initial and on-going training appropriate to the duties.

Auxiliary personnel are defined as non-sworn personnel, uniformed or non-uniformed, who support the operational policing mission of the organization, and may include, but not be limited to, community service officers, police aides or cadets, code enforcement officers, parking enforcement personnel, police Explorers, crossing guards, and police volunteers.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #11**

**2.8.2 Reserve Police Officers**

If the agency utilizes reserve police officers, a written directive describes the reserve police officer program, to include:

- 2.8.2.1 A description of the selection process for reserve police officers, which must satisfy all requirements for the hiring of police officers established by the Wisconsin Law Enforcement Standards Board. It is understood that the selection process for reserve police officers might vary from the selection process for full and part-time officers used by the agency.
- 2.8.2.2 An explanation of the duties and responsibilities, scope of authority, and supervision of reserve police officers.
- 2.8.2.3 A requirement that uniforms, if worn, clearly distinguish reserve police officers from full or part-time officers.
- 2.8.2.4 A requirement that reserve police officers receive training related to their authorized and assigned duties, as well as all training necessary to achieve and maintain their status as certified law enforcement officers.
- 2.8.2.5 Liability protection and indemnification for reserve police officers acting within the scope of their authority.

*Context*

Reserve police officers are defined as part-time, sworn personnel, uniformed or non-uniformed, who perform limited scope duties, such as court security, prisoner transport, cold-case investigations, etc. Unlike part-time officers, the primary role of reserve police officers shall not include detecting and preventing crime, responding to calls for service, enforcing laws or ordinances, or making arrests. The availability of reserve police officers does not permit their use to augment full or part-time sworn staff.

Last Reviewed: August 27, 2021

Last Updated: May 02, 2016

**Standard #12**

**4.2.1 Disciplinary System**

A written directive establishes a disciplinary system that includes:

- 4.2.1.1 Criteria and procedures for the use of counseling, oral and written reprimands, and remedial training.
- 4.2.1.2 Criteria and procedures for punitive actions, such as loss of leave, suspension, demotion and dismissal.
- 4.2.1.3 Recognition of employment rights and procedural safeguards as outlined in Chapter 164, Wis. Stats., Law Enforcement Officers’ Bill of Rights.

*Context*

The agency strives to stay abreast of evolving case law and disciplinary systems and to incorporate them into its policies, procedures and practices.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #13**

5.1.1 Use of Force

The agency has a written directive governing the use of force, as required by §66.0511(2), Wis. Stats. that adheres to all applicable Federal, State, and local laws. The written directive shall include a requirement that when using force, an officer is required to act in good faith to achieve a legitimate law enforcement objective. Furthermore, the written directive must establish that an officer is only authorized to use force that is objectively reasonable based on the totality of circumstances, as outlined in §175.44(2), Wis. Stats., including:

1. The severity of the alleged crime at issue.
2. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

The written directive must be publicly available on the agency’s website.

*Context*

The policy should be based upon state law and current professional standards and accepted practices. In the event the agency does not have a website on which to post its policy, the use of force policy should be available on the website of the municipality over which they have jurisdiction.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #14**

5.1.2 Use of Force Requirements

The agency has a written directive governing the use of force that includes the following:

- 5.1.2.1 Prohibiting the use of choke holds except in life-threatening situations or self-defense.
- 5.1.2.2 Establishing when force used against individuals who fail to comply with lawful commands should terminate, including the requirement that when it is objectively reasonable that a suspect is fully in law enforcement’s control, then the force must terminate.
- 5.1.2.3 De-escalation techniques.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #15**

5.1.3 Duty to Report Noncompliance

The agency has a written that requires an officer who, in the course of his or her duties, witnesses another officer use force that does not comply with the standards outlined in §175.44(2)(b) or (c), Wis. Stats. in the course that officer’s official duties, shall report the noncompliant use of force as soon as is practicable after the occurrence of the use of force.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #16**

5.1.4 Duty to Intervene

The agency has a written directive that establishes an officer shall, without regard for chain of command, intervene to prevent or stop another officer from using force that does not comply with the standards outlined in §175.44(2)(b) or (c), Wis. Stats. in the course of that officer’s official duties if all of the following apply:

1. The officer observes the use of force that does not comply with §175.44(2)(b) or (c), Wis. Stats.
2. The circumstances are such that it is safe for the officer to intervene.

The directive shall further require the officer who intervenes to report the intervention to his or her immediate supervisor as soon as is practicable after the occurrence of the use of force.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #17**

5.1.5 Whistleblower Protection

The agency has a written directive that entitles an officer to all of the whistleblower protections afforded under §175.44(5), Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #18**

5.1.6 Deadly Force

A written directive governs the use of deadly force, as outlined in §175.44(2)(c), Wis. Stats., and includes:

- 5.1.6.1 Language that an officer may use deadly force only as a last resort when the officer reasonably believes that all other options have been exhausted or would be ineffective, and only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person.
- 5.1.6.2 A requirement that all sworn personnel receive training on the directive and demonstrate their understanding of the directive before being authorized to carry any firearm.

*Context*

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

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #19**

5.1.7 Warning of Use of Deadly Force

A written directive addresses identification as a law enforcement officer and giving a verbal warning of the intent to use deadly force if both practicable and feasible, as required by §175.44(2)(c), Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #20**

5.1.8 Shooting at or from a Moving Vehicle

A written directive governs shooting at or from a moving vehicle.

*Context*

The intent of this standard is that agencies address the inherent dangers associated with shooting at or from a moving vehicle. It is recommended that such actions are only allowed as a last resort or when the greater danger theory applies.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #21**

5.1.11 Annual Use of Force Policy Training

A written directive requires annual training on the agency's use of force policy and related legal updates for all sworn personnel.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #22**

5.3.1 Use of Force Reporting

The agency requires a written report whenever an employee uses force under the following circumstances:

- 5.3.1.1 When a firearm is discharged, either intentionally, or accidentally, while engaging in subject control.
- 5.3.1.2 When an action results in, or is alleged to have resulted in, injury or death of another person.
- 5.3.1.3 When force is applied by use of a lethal or less lethal weapon.
- 5.3.1.4 When weaponless physical force is applied at a level defined by the agency.

*Context*

The purpose of this standard is to create a use-of-force reporting system within the agency to facilitate review and analysis of use of force incidents. The system should help identify trends, improve training, improve safety and maintain agency credibility.

Procedures should outline when, how and by whom the report will be submitted, including who will do the report if multiple employees are involved in the same incident. The primary employee involved should be required to provide a verbal report within a specified period of time, followed by a written report within time parameters established by the agency.

The pointing of weapons or using weaponless, hand-to-hand control techniques where there is little or no chance of resultant injuries does not necessarily trigger reporting unless deemed appropriate by the agency. 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.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #23**

5.3.2 Post Use of Force Incident Review

The agency has a written directive outlining a process for reviewing the report required by standard 5.3.1 (CSVP Standard #22).

*Context*

The review is designed to accomplish an administrative and legal review of officer actions.

Last Reviewed: August 27, 2021 Last Updated: August 27, 2021

**Standard #24**

5.3.4 Use of Force Reporting and Analysis

The agency submits Use of Force and Arrest-Related Death Data (UFAD) to the Wisconsin Department of Justice through TraCS and conducts a documented annual analysis of use-of-force incidents to identify trends that could reveal the need for training, equipment, or policy modifications.

Last Reviewed: August 27, 2021 Last Updated: August 27, 2021

**Standard #25**

6.1.4 Vehicle Pursuits

A written directive establishes procedures governing pursuits of motor vehicles that incorporate the requirements of §346.03(6), Wis. Stats., and address or include the following:

- 6.1.4.1 Evaluation of the current situation and preceding events.
- 6.1.4.2 Authority, responsibility and role of the officer initiating the pursuit, back up units, supervisory personnel and dispatchers.
- 6.1.4.3 Guidance on use of marked, unmarked, or other types of police vehicles in the pursuit.
- 6.1.4.4 Guidance on use of roadblocks and other forcible means of stopping a fleeing vehicle.
- 6.1.4.5 Criteria for mandated and voluntary termination of pursuit.
- 6.1.4.6 Guidance for inter-agency pursuits involving agency personnel who initiate a pursuit that leaves the jurisdiction, as well as requests for assistance by another agency in pursuit within or out of its jurisdiction.
- 6.1.4.7 Incident documentation, administrative review, and/or annual state reporting requirements.

Last Reviewed: August 27, 2021 Last Updated: August 27, 2021

**Standard #26**

6.1.8 Anatomical Gifts

A written directive requires officers to make a determination of prospective donors of anatomical gifts, or those who have refused such a donation, as outlined in §157.06(12), Wis. Stats.

Last Reviewed: August 27, 2021 Last Updated: December 10, 2012



**Standard #27**

**6.1.10 Body Cameras**

If the agency utilizes body cameras, it shall adhere to the requirements in §165.87, Wis. Stats., Body cameras and law enforcement, and develop a written directive that addresses the following:

- 6.1.10.1 The use, maintenance, and storage of body cameras and data recorded by the body cameras.
- 6.1.10.2 Any limitations imposed on which law enforcement officers may wear a body camera.
- 6.1.10.3 Any limitations imposed on situations, persons, or encounters that may be recorded by a body camera.
- 6.1.10.4 Circumstances requiring system activation/deactivation.
- 6.1.10.5 Guidelines regarding data storage, security, access, and release.
- 6.1.10.6 Minimum data retention guidelines as outlined in §165.87, Wis. Stats.
- 6.1.10.7 Procedures for maintaining the privacy of a recorded subject who is a victim of a sensitive or violent crime or is a minor.
- 6.1.10.8 Training of all law enforcement officers on the authorized use of body cameras.
- 6.1.10.9 Training of all employees that use, maintain, store, or release body camera data on the body camera policy and guidelines for the retention and release of body camera data.

*Context*

The written directive should provide clear guidelines to personnel regarding the use of this equipment, address how the data will be used by the department, and distinguish between general data retention and that which has evidentiary value.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #28**

**6.1.11 Emergency Detentions**

A written directive establishes procedures for conducting emergency detentions as authorized by Chapters 51 and 55, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #29**

**6.1.12 Criminal Trespass to Dwellings**

A written directive establishes procedures regarding the investigation of complaints alleging a violation of §943.14, Wis. Stats., Criminal trespass to dwellings, which shall, minimally, require an officer who has probable cause to arrest a person for a violation of §943.14 to remove the person from the dwelling.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #30**

**6.1.13 Naloxone Use**

If an agency authorizes officers to administer Naloxone, such authorization shall be governed by a written agreement, as outlined in §256.40(3), Wis. Stats. Furthermore, a written directive establishes procedures regarding training, use, and documentation.

*Context*

Like other law enforcement skills, annual or other periodic refresher training may be needed to remain proficient. Agencies should consider the manner in which refresher training will be provided, such as incorporating the training into biennial CPR recertification.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #31**

6.2.5 Traffic Stops and Approach to Violator’s Vehicle

A written directive requires the agency to have procedures for stopping and approaching vehicles, to include:

- 6.2.5.1 Approach contacts.
- 6.2.5.2 Non-approach contacts.
- 6.2.5.3 High-risk contacts.

*Context*

The intent of this standard is to promote safety of officers, the general motoring public and violators. The agency should provide detailed instructions to officers on making effective stops that are safe for the officer and the motorist, to include approach procedures, requirements for selecting a stop location, and calling in traffic stop information.

Last Reviewed: August 27, 2021

Last Updated: May 02, 2016

**Standard #32**

6.3.6 Adult Custodial Interrogation

A written directive requires the agency to have procedures governing adult custodial interrogations, to include electronic recording for suspects arrested for a felony in conformity with § 968.073(2) Wis. Stats.

*Context*

A model policy regarding Recording of Custodial Interviews is available on WILENET.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #33**

6.3.7 Eyewitness Identification

A written directive specifies the procedures to be followed when using an eyewitness to identify a suspect by viewing the suspect in person or by viewing a representation of the suspect, as required by §175.50(2), Wis. Stats.

*Context*

A model policy regarding Procedures for Eyewitness Identification is available on WILENET.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #34**

6.3.8 Officer Involved Critical Incidents

A written directive establishes procedures for the agency’s response to an officer involved critical incident, including investigation and administrative review of the incident. The directive shall address:

- 6.3.8.1 Separation of the criminal investigation and administrative review.
- 6.3.8.2 Responsibility for the criminal investigation and administrative review.
- 6.3.8.3 Adherence to guidelines outlined in §175.47, Wis. Stats., in the event the critical incident involves the death of an individual from an act or omission of an officer, or is likely to result in death.
- 6.3.8.4 Protection of the officer’s legal rights and psychological wellbeing.
- 6.3.8.5 Removal from, and return to, full duty for the involved officer.
- 6.3.8.6 Timely notification of the officer’s family, to include procedures for when the officer is seriously injured or killed.
- 6.3.8.7 Post incident procedures such as critical incident stress debriefing and post-traumatic stress.
- 6.3.8.8 Procedures for providing certain information to family members of a person killed in an officer-involved death, subject to §950.08(2g)(h) Wis. Stats., when the agency is responsible for conducting the investigation of an officer-involved death pursuant to §175.47, Wis. Stats.

*Context*

For the purpose of this standard, an officer involved critical incident is an incident involving the death of, or serious injury to, a person resulting from the action or involvement of an officer while on duty or while off duty but performing activities that are within the scope of his or her law enforcement duties.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #35**

**6.3.9 Domestic Abuse**

A written directive establishes agency procedures for handling domestic abuse incidents to conform to requirements of §968.075(3), Wis. Stats., and include:

- 6.3.9.1 Actions of the responding officers.
- 6.3.9.2 The circumstances under which an officer should arrest a possible offender.
- 6.3.9.3 Informing the victim when the alleged offender will be released.
- 6.3.9.4 Informing the victim of the availability of shelters and services in the community, the availability of legal rights and remedies, and the right to contact a domestic violence victim service provider to create a personal safety plan.
- 6.3.9.5 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.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #36**

**6.3.10 Officer Involved Domestic Violence**

A written directive establishes agency procedures for handling officer-involved domestic abuse incidents, and includes:

- 6.3.10.1 Early intervention and education efforts.



**Standard #41**

6.6.3 Juveniles in Custody

The agency has a written directive for taking a juvenile into custody that reflects, at a minimum, provisions for the following:

- 6.6.3.1 Type of offense.
- 6.6.3.2 Threat of harm or danger to, or by, the juvenile.
- 6.6.3.3 Protection of the constitutional rights of juveniles.
- 6.6.3.4 Expeditious transport to and processing at the intake facility (unless there is a need for emergency medical treatment).
- 6.6.3.5 Assurance that a juvenile status offender must remain under constant supervision and will not be held in a secure setting, to include municipal lockups, temporary detention areas, or secured to an immovable object.
- 6.6.3.6 Notification of parents/guardians that their child has been taken into custody.

*Context*

Further information on taking juveniles into custody can be found in the State of Wisconsin Compliance Manual for Implementing the Core Requirements of the Juvenile Justice and Delinquency Prevention Act of 2002, located on WILENET.

**Standard #42**

6.6.4 Juvenile Custodial Interrogation

A written directive establishes agency policies and procedures covering custodial interrogation of juveniles, including, but not limited to:

- 6.6.4.1 Mandatory electronic recording of custodial interviews.
- 6.6.4.2 Contact with parents or guardians.
- 6.6.4.3 Duration of interrogation and the number of officers involved in the interrogation.

*Context*

A model policy regarding recording of custodial interviews is available on WILENET.

**Standard #43**

6.6.5 Missing Juvenile Investigations

A written directive requires the agency to have policies/procedures regarding the handling of missing juveniles, runaways, abducted children, and abandoned children, including:

- 6.6.5.1 Requirements for activation of Amber Alert Systems.
- 6.6.5.2 Requirements for an initial investigation, including entry of the child's information in criminal justice information systems.
- 6.6.5.3 Follow up investigations.



**Standard #47**

7.2.4 Temporary Detention Procedures

If the agency permits the temporary detention of detainees, without constant supervision, in an area other than a municipal lockup or jail, that area must be designed for the purpose of temporary detention, and a written directive shall establish guidelines for the practice, to include, at a minimum:

- 7.2.4.1 Completion of an intake form on each detainee as outlined in 7.3.9 (6<sup>th</sup> Edition Accreditation Standards).
- 7.2.4.2 Security inspection for weapons, contraband, and overall condition prior to the use of a temporary detention room and immediately after the room is vacated.
- 7.2.4.3 In-person, visual monitoring of detainees at 15 minute intervals.
- 7.2.4.4 Maintenance of observation logs documenting the visual monitoring activities required by 7.2.4.3.
- 7.2.4.5 Visual and auditory separation of adult and juvenile detainees.
- 7.2.4.6 Absent exceptional circumstances, a period of temporary detention of no more than two hours.
- 7.2.4.7 Personnel in direct, continuing contact with detainees require training covering the practice of temporary detention.

*Context*

Temporary detention of detainees outside of a municipal lockup or jail creates the same concerns as those associated with temporary confinement in either of the two aforementioned facilities. Unlike a municipal lockup or jail, however, such detention is not regulated by the Department of Corrections. As such, the temporary detention requirements of this standard and subsequent standards in this section are designed to regulate temporary detention outside of a municipal lockup or jail in a manner similar to those facilities.

In 7.2.4.3, in-person, visual monitoring cannot be replaced by video monitoring.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #48**

9.1.4 Continuous Communications with On-Duty Officers

The agency has continuous communication between the communications center and officers on duty.

*Context*

This standard requires that on-duty uniformed officers be supplied the means for continuous radio communication with the communications center. Portable transceivers are required to enable officers on foot patrol and those away from their mobile units to maintain communications except in areas where topography or other factors limit their functionality.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

**Standard #49**

9.1.10 Inter-Jurisdictional Communications

The agency’s communication center has, at a minimum, the necessary equipment to access inter-jurisdictional, regional, or area law enforcement radio systems.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

**Standard #50**

10.1.1 Records Security

A written directive requires the agency to undertake privacy and security precautions for the agency’s records, which include, at a minimum:

- 10.1.1.1 Separation of juvenile criminal records from adult criminal records.
- 10.1.1.2 Policies and procedures governing collection, retention, storage and release of juvenile fingerprints, photographs, and other methods of identification.
- 10.1.1.3 Appropriate security measures for agency files, to include access limitations.

*Context*

§48.396 and §938.396, Wis. Stats., require records of juveniles to be kept separate from records of adults. The records system should distinguish between adult and juvenile criminal records. If the agency specifically identifies juvenile records and adult records to prevent unauthorized access and release they will be in compliance with this standard. This identification may include special marking of juvenile records, computer files that are marked and/or access restricted, or files that are physically separated. (WILEAG interpretation – 03/29/1999)

The agency should have procedures in place for access, security, and release of records. These procedures should also address access, security, and release of criminal justice information pursuant to Criminal Justice Information Services (CJIS) requirements.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #51**

10.2.1 Open Records

A written directive requires the agency to establish procedures and criteria for the release of agency records and display a public notice as required in §19.34(1).

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

**Standard #52**

10.2.2 Records Retention

A written directive establishes a records retention schedule and procedures for the destruction of public records that are in conformance with §19.21, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: May 02, 2016

**Standard #53**

11.1.2 Evidence Collection

A written directive establishes guidelines and procedures for the collection, processing, and preservation of physical evidence. Procedures should include additional precautions for weapons, narcotics, currency and other dangerous or high-value items.



### *Context*

To sustain a successful prosecution, agency personnel must utilize acceptable methods for field and lab processing of potential evidence, including maintenance of the chain of custody and integrity of evidence from scene to trial. Processes must be supported with proper equipment, trained personnel, and facilities. Special procedures should be considered for certain types of dangerous or high value evidence. For example, certain drug evidence includes the potential of exposure and may require precautions such as the use of gloves and a respirator, a fume hood, the presence of a second person, and the availability of naloxone. Currency might require the presence of a witness, dual signatures, use of a currency counter, and itemized denominations. And, biohazard evidence might require special packaging, drying, storage, and labeling. Security and record keeping are essential parts of the process.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

### **Standard #54**

#### 11.1.7 Drug Testing Safety Procedures

A written directive governs safety procedures for the collection, testing, and packaging of dangerous drugs.

### *Context*

Procedures should be developed to reduce the likelihood of officer exposure and cross-contamination. Such procedures could include utilizing a separate area for narcotics processing the use of downdraft hoods or other similar equipment, having an additional officer present as a safety officer, and other options to increase safety for the testing officer and others.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

### **Standard #55**

#### 11.2.6 System Integrity

The agency requires that periodic and event-specific inspections, audits, and inventories be completed and results documented and forwarded to the agency CEO. Such inspections, audits, and inventories shall include, but are not limited to:

- 11.2.6.1 Semi-annual inspections by the person in charge of the property and evidence control function (or his/her designee), intended to assess compliance with policies and procedures governing property and evidence management and control. These inspections must be conducted independent of any other required inspections or audits. The “person in charge of the property and evidence control function” implies an individual in the organization who oversees the person(s) performing the property and evidence control function.
- 11.2.6.2 An annual audit of property and evidence conducted by a supervisor not directly associated with the property control function. This audit must be conducted independent of other required audits or inspections. It should focus on high risk items; e.g., money, drugs, jewelry, firearms, but may be expanded to include other items. To ensure the integrity of the system and accountability for all property and evidence, the audit should incorporate a one-tailed test of statistical significance to test accuracy within a 95% degree of confidence and a +/- error rate of 4%. The appropriate sample size for such a test can be found in the table located in the context.
- 11.2.6.3 Random, unannounced inspections and/or audits are conducted at the discretion of the agency’s chief executive officer. At least one random inspection and/or audit will occur annually. In the event of a random audit, the size of the sample to be audited will be determined by the chief executive officer.

11.2.6.4 A comprehensive audit of property and evidence whenever the primary person responsible for property and evidence control is replaced for any reason. The audit should be conducted jointly by the new property custodian and a person designated by the CEO. To ensure the integrity of the system and accountability for all property and evidence, the audit should incorporate a two-tailed test of statistical significance to test accuracy within a 95% degree of confidence and a +/- error rate of 4%. The appropriate sample size for such a test can be found in the table located in the context. An error rate that exceeds 5% of the sample size will require a full inventory of all high risk property and evidence.

*Context*

This standard is designed and intended to ensure the integrity of the system, not to require an accounting for every item of property. Thus, random sampling of property may be used to assess compliance with policies and procedures.

For the purposes of this standard, inspection means to examine the property/evidence function for the purpose of determining whether policies and procedures are being followed. An inspection can include tracing a few items of property/evidence to verify they are stored in the proper location. An audit refers the selection of a random sample of items of property/evidence to determine whether they can be properly accounted for. This process enables the auditor to draw conclusions about the integrity of the entire inventory of property/evidence. An inventory means a complete listing or record of every item of property/evidence the agency has in its custody or every item within a particular category, such as high risk items.

The following table depicts the appropriate sample sizes required to conduct a one-tail or two tail test of statistical significance as outlined in 11.2.6.2 and 11.2.6.4, above.

<i>Total Number of High Risk Items {Money, drugs, jewelry, firearms }</i>	<i>Sample Size – 1 Tail Test</i>	<i>Sample Size – 2 Tail Test</i>
25	20	25
50	34	47
100	50	86
150	59	121
200	65	151
250	70	177
300	73	201
350	76	222
400	78	241
450	79	258
500	81	274
1000	88	376
2500	92	485
5000	94	537
10000	95	567

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #56**

12.1.5 Certified Instructors

If an agency conducts in-house training for LESB Unified Tactics topics, an LESB certified instructor in that topic must monitor the training.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

## Standard #57

### 12.2.3 Recruit Training

The agency requires that all sworn officers satisfactorily complete the Wisconsin law enforcement officer preparatory training or the Wisconsin Department of Justice, Training and Standards Bureau Reciprocity Examination, prior to any assignment in which the officer is allowed to carry a weapon or is in a position to make an arrest (other than while involved in the agency's formal field training program).

#### *Context*

The intent of this standard is to ensure that recruits have successfully completed a structured basic training course prior to unsupervised carrying of a weapon, enforcing the law, or making arrests. They could be used in such positions as communications, records, or other activities not involving enforcement activities or carrying a weapon.

Trainees participating in the formal field-training program are considered to be supervised for purposes of this standard.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

## Standard #58

### 12.2.4 Field Training

A written directive requires a field-training program for newly sworn officers. The program shall incorporate a comprehensive curriculum comprised of organizational policy and procedure for handling high frequency tasks/assignments, as well as low frequency, but high risk/liability tasks and assignments, and include:

- 12.2.4.1 A minimum duration of four weeks.
- 12.2.4.2 A rotation of field training assignments to ensure broad experience.
- 12.2.4.3 Structured evaluation of, and reporting on, a recruit's performance by field training officers.
- 12.2.4.4 Selection and training criteria for field training officers.
- 12.2.4.5 Active supervision of field training officers.

#### *Context*

The field-training program is a key supplement to the formal recruit classroom training and should be as actively managed as the classroom training.

There should be close supervision by well-trained FTO's, since the initial field experiences of a recruit often set the tone for his/her entire career. The selection of FTO's is crucial, as they serve as role models for desired values, tactics, and attitudes.

The agency should provide guidelines defining the responsibilities of the FTO.

The program should include an evaluation process and training for the FTO as well as for the trainee.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

## Standard #59

### 12.2.5 Annual Training

A written directive requires all sworn personnel complete training annually, as prescribed by the State of Wisconsin Training and Standards Bureau.

*Context*

It is important that personnel keep up-to-date on new laws, changes in case law, technology, defense and arrest tactics, topics relevant to law enforcement and revisions in agency policy, procedures, rules, and regulations. Generally there is core content applicable to all sworn personnel. In addition, specialized training courses may be appropriate for career development or those seeking promotion to certain positions. The objective of the program should be to motivate veteran personnel and to enhance the professionalism of personnel and the agency generally.

Last Reviewed: August 27, 2021

Last Updated: October 01, 2008

**Standard #60**

12.2.6 Career Development

The agency provides knowledge and skill development to all personnel, which includes:

- 12.2.6.1 Offering career counseling covering topics such as advancement, specialization or training, to enhance performance in the employee’s current position.
- 12.2.6.2 Providing position specific training to officers receiving promotion or assignment to specialized positions.

*Context*

The agency has a career development program/plan that utilizes an ongoing inventory of skills, knowledge, and abilities for each employee to further their careers. The program/plan is evaluated as needed. Upon being promoted or assigned to a specialized position, an employee is trained and provided performance expectations for his or her new position.

Last Reviewed: August 27, 2021

Last Updated: December 10, 2012

**Standard #61**

14.1.1 Treatment of Crime Victims

A written directive establishes the agency’s philosophy regarding crime victims and ensures all victims and witnesses of crime are treated with dignity, respect, courtesy, sensitivity, and fairness throughout the criminal and juvenile justice process, as mandated by Article I, section 9m of the Wisconsin Constitution.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #62**

14.1.2 Information Provided to Crime Victims

A written directive identifies the written information law enforcement must provide to crime victims within 24 hours of initial contact, as outlined in §950.08(2g), Wis. Stats., including:

- 14.1.2.1 A list of rights of victims under §950.04(1v).
- 14.1.2.2 The availability of Crime Victim Compensation and the address and telephone number to contact the Department of Justice for information concerning compensation.
- 14.1.2.3 The address and telephone number of the intake worker, corporation counsel, or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings and the opportunity to confer.

- 14.1.2.4 The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the arrest and/or custody of a person in connection with the crime of which he or she is a victim.
- 14.1.2.5 The address and telephone number of the custodial agency the victim may contact for information concerning release of a person arrested or taken into custody for the crime of which he or she is a victim.
- 14.1.2.6 Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.
- 14.1.2.7 The address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

*Context*

Crime victims pursue enforcement of rights through informal reviews by the Department of Justice, formal complaints to the Wisconsin Crime Victims’ Rights Board (CVRB), and/or by asking a circuit court to enforce a right. The CVRB has authority to issue sanctions for violations pursuant to §950.09. More information about victims’ rights enforcement can be found at [www.doj.state.wi.us/ocvs](http://www.doj.state.wi.us/ocvs).

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #63**

14.1.3 Victims’ Rights

A written directive establishes the agency’s statutory and constitutional victims’ rights duties throughout the criminal and juvenile justice process, to include:

- 14.1.3.1 To effectuate the expeditious return of a victim’s stolen or other personal property when no longer needed as evidence. §950.04(1v)(s), Wis. Stats.
- 14.1.3.2 To allow a victim advocate to accompany a victim at a law enforcement interview if requested by a victim of sexual assault, human trafficking, or child sexual abuse, subject to the exceptions listed in §950.045(b), Wis. Stats.
- 14.1.3.3 To provide victims with reasonable and timely information about the status of the investigation upon request.
- 14.1.3.4 That a victim’s privacy and safety interests are considered in practices related to the treatment of victim records and information.

*Context*

Law enforcement agencies are subject to review and sanction by the Wisconsin’s Crime Victims Right Board for violations of victims’ rights under Chapter 938, Chapter 950, and Article I, section 9, of the Wisconsin Constitution. Reference §950.09, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #64**

14.1.4 Safe at Home Law

A written directive establishes procedures for complying with victim address confidentiality under the Safe at Home Law, §165.68, Wis. Stats.

Last Reviewed: August 27, 2021

Last Updated: August 27, 2021

**Standard #65**

14.2.1 Witness Rights

A written directive establishes procedures to conform to §950.04(2w), Wis. Stats., Rights of witnesses, to include:

- 14.2.1.1 Guidelines and procedures for providing a witness with information about the level of protection available from harm and threats of harm arising out of a witness's cooperation with law enforcement and prosecution efforts.
- 14.2.1.2 A witness's right to not have his or her personal identifiers as defined in §85.103(1) and including an electronic mail address, used or disclosed for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.
- 14.2.1.3 Procedures for the expeditious return of a witness's property when no longer needed as evidence.
- 14.2.1.4 To be entitled to a speedy disposition of the case in which the person is involved as a witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

Last Reviewed: August 27, 2021

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